D. D. N. J., F. D. C. 1751–1800 Issued February 1947

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1751–1800

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *October 28, 1946.*

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DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1751. Adulteration and misbranding of vitamin B complex No. 2. U. S. v. 98 Vials of Vitamin B Complex No. 2. Default decree of condemnation and destruction. (F. D. C. No. 16129. Sample No. 4457–H.)

LIBEL FILED: May 10, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 17, 1945, from New York, N. Y., by the Alpinol Corporation.

PRODUCT: 98 vials of *vitamin B complex No. 2* at Upper Darby, Pa. Examination showed that the product contained no thiamine or riboflavin. It possessed the characteristics of an oil, being immiscible with water. Oils or other materials not miscible with water, if injected into the veins, may cause serious injury or death.

LABEL, IN PART: "30 cc. Vial * * * Vitamin B Complex No. 2 Each 1 cc. contains: Thiamin HCl . . . 20 mg. Riboflavin . . . 1 mg. * * * . Intramuscular—Intravenous."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely,

*For failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, see Nos. 1754, 1755, 1761, 1795, 1796; failure to comply with the packaging requirements of an official compendium, No. 1775; labeling information not likely to be understood by the ordinary individual, No. 1787; cosmetic, subject to the drug provisions of the Act, No. 1789.

"Each 1 cc. contains: Thiamin HCl . . . 20 mg. Riboflavin . . . 1 mg.," since the article contained no thiamine or riboflavin.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the intravenous dosage recommended, suggested, and prescribed in the labeling.

DISPOSITION: October 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1752. Misbranding of Re-Sude-Oids. U. S. v. 49 Dozen Packages of Re-Sude-Oids. Default decree of condemnation and destruction. (F. D. C. No. 16375. Sample No. 17509–H.)

LIBEL FILED: June 25, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 18, 1945, from Los Angeles, Calif., by the American Medical Products, Inc.

PRODUCT: 49 dozen packages of *Re-Sude-Oids* at Chicago, Ill. Examination showed that the product contained approximately one-half grain each of thyroid and potassium iodide per capsule.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label were false and misleading since they represented and suggested that the article was an appropriate and effective treatment for obesity due to hypothyroidism caused by deficient action of the thyroid gland, the pituitary gland, or the ovarian gland. The article was neither an appropriate nor an effective treatment for obesity, whether or not due to hypothyroidism resulting from such causes.

Further misbranding, Section 502 (j), the article would be dangerous to health, because of its content of thyroid, when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the following labeling: (Carton) "When administering these capsules the dose for an average person, depending upon his requirements, may often be one capsule daily for six days, then one capsule twice a day for six days, then one capsule three times a day as long as treatment is continued"; (bottle label) "It is suggested that the dose for an average person, depending upon his requirements, may often be one capsule daily for six days, then one capsule twice a day for six days, then one capsule three times a day as long as treatment is continued."

DISPOSITION: October 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

1753. Misbranding of Fentone Compound. U. S. v. Will T. Warren, Jr. (Fentone Medicine Co.). Plea of nolo contendere. Fine, $2,000; jail sentence of 60 days. (F. D. C. No. 14250 Sample Nos. 41524–F, 61323–F.)

INFORMATION FILED: June 13, 1945, Western District of Tennessee, against Will T. Warren, Jr., trading as the Fentone Medicine Co., Paris, Tenn.

ALLEGED SHIPMENT: Between the approximate dates of August 2 to September 22, 1943, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Blythe and Fentress Fentone Compound."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "Liver & Bile Stimulant," and certain statements in the accompanying circulars were false and misleading since they represented and suggested that the article would be efficacious as a liver and bile stimulant and kidney flusher; that it would be efficacious in the correction of intestinal stasis, and would prevent the spreading of poisons throughout the system and the contamination of the blood stream, liver, and kidneys as a result of intestinal stasis; that it would cause the heart, stomach, intestines, bladder, lungs, liver, and kidneys to work perfectly and regularly; that it would be efficacious in removing deep-seated impurities from the stomach, acid deposits in the kidneys, and pockets of impurity; that it would remove excess acid and bacteria; that it would be efficacious to relieve back pains and bring about a feeling of new life and happiness; that it would be efficacious in the cure, mitigation, treatment, and prevention of high blood pressure, rheumatism, arthritis symptoms, nervousness, loss of sleep, backache, belching and bloating, spitting of burning, hot, half-digested food, pains in the back, stiffness in the joints, and tired, run-

down, dizzy feelings; that it would be efficacious in the treatment of kidneys and liver which are overtaxed with poison-filled blood, and would reduce pressure on the different digestive organs and enable them to return to normal, natural function; that it would be efficacious to correct poisoned, loaded, overworked, strained, and irritated organs, and would cause the appetite to pick up and the user to feel active and full of energy, hope, and ambition; that it would be efficacious in the treatment of heartburn, heart palpitation, and swollen stomach caused by poison pockets in the intestinal tract; that it would be efficacious to correct upset stomachs, clogged liver, constipation, packed colon, too much acid in kidneys, headache, and dizziness; that it would cause the liver bile to wake up and contribute aid in flushing the kidneys and stomach of harmful deposits; that it would quiet hyperacidity of the stomach and kidneys and remove toxic poisons and impurities from the alimentary canal; that it would be efficacious in the treatment of nausea, vomiting, pain, and discomfort, a burning feeling at the lower end of the breastbone, heartburn, and the coughing up of sour, acid liquid in the mouth; that it would be efficacious in the treatment of bilious headache and a languid, tired, worn-out feeling; that it would cause the kidneys to become normal and healthy; that it would keep the blood pure and free from bacteria and prevent deposits of acid and accumulated waste in the kidney tubes; that it would be efficacious in the treatment of irritation, sleeplessness, pain, worry, a dull, achy feeling across the small of the back, frequent getting up at night, loss of vigor, swollen joints, symptoms of rheumatism, symptoms of neuritis, swollen ankles, and leg pains; and that it would be efficacious in the treatment of coated tongue and bad breath. The article would not be efficacious for the purposes stated.

Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings against unsafe dosage or methods or duration of administration as are necessary for the protection of users, since the directions, "Adults—One to two Tablespoonfuls two times a day in a glass of water before eating, as needed. Increase dose if necessary. * * * Should this medicine disagree with you in any way, then reduce amount taken, or discontinue entirely until such disagreement has worn off and does not return upon resuming taking of this medicine," provided for continual use, whereas the article was a laxative and should not have been used continuously.

DISPOSITION: September 20, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of $1,000 on each count, a total fine of $2,000, and a sentence of 60 days in jail.

1754. Misbranding of Milford Mineral Water Crystals. U. S. v. 23 Dozen Packages of Mineral Water Crystals, and a number of display cards. Default decree of condemnation and destruction. (F. D. C. No. 15356. Sample Nos. 28325–H, 28326–H.)

LIBEL FILED: April 16, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about February 6, 1945, by the Pecan Shellers Cooperative, from Houston, Tex.

PRODUCT: 11½ dozen 8-ounce packages and 11½ dozen sample packages of *mineral water crystals*, and a number of accompanying display cards entitled "Why You Need Mineral Water," at Seattle, Wash.

Examination showed that the product consisted of sodium sulfate with traces of other ingredients. It was essentially a laxative.

LABEL, IN PART: "Milford Blue Ribbon Mineral Water Crystals."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the sample packages were false and misleading since they represented and suggested that the article would be effective in the treatment of rheumatism, arthritis, heart trouble, kidney trouble, high and low blood pressure, overweight, underweight, paralysis, stomach and colon troubles, asthma, hay fever, eczema, and sores caused by excess acidity; and that it would supply mineral elements to the body. The article would not be effective in the treatment of the disease conditions mentioned, and it would not supply mineral elements to the body. Further misbranding, Section 502 (a), the statement "Gives You Benefits You Never Dreamed Of," borne on the display card, was false and misleading since it created the impression that the article was more than a laxative; and the statement of composition, "Analysis shows Sodium Chloride, Sodium Sulphate, Silica, Potassium Chloride, Calcium Bicarbonate, Calcium Sulphate, Ferrix Oxide, Alumina Oxide, Magnesium Sulphate," borne on the packages containing both sizes of the product, was mis-

leading since it created the impression that the article would supply significant quantities of the ingredients named, whereas it would not supply significant quantities of such ingredients, except sodium sulfate.

Further misbranding, Section 502 (b), the label on the sample packages failed to bear (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (f) (2), the article was a laxative and its labeling failed to warn that a laxative should not be used in case of abdominal pains, nausea, vomiting, or other symptoms of appendicitis; and, further, the labeling failed to warn that frequent or continued use of the article might result in dependence upon laxatives to move the bowels, since no warning of any type appeared on the sample packages, and the warning statement on the 8-ounce package label was not adequate for the purposes required in that it limited the warning to severe and persistent pains in the lower abdomen.

DISPOSITION: October 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1755. Misbranding of digestive tablets. U. S. v. 3 Drums of Digestive Tablets, and a quantity of repacked tablets. Default decree of condemnation and destruction. (F. D. C. No. 16093. Sample Nos. 4122–H, 4123–H.)

LIBEL FILED: May 1, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 8, 1945, by Enzyme Therapys, from Los Angeles, Calif.

PRODUCT: 3 drums, each containing 20,000 *digestive tablets*, and a quantity of repacked tablets at Chalfont, Pa. Examination of the product showed that it consisted essentially of calcium carbonate, citric acid, and papain.

LABEL, IN PART: (Drum) "Tablets Each Tablet Contains Digestive Tablets W/D CT 13½ gr. 200 i. u. D Calcium 9 gr. Papain 1 gr. Citric Ac. 1 gr. Binder q. s."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement "Digestive" on the drum label was false and misleading since the article would not be effective in promoting digestion; Section 502 (b), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; Section 502 (e), the label failed to bear the common or usual name of each of its several active ingredients since calcium is not the common or usual name of calcium carbonate; and, Section 502 (f), the label failed to bear adequate directions for use.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1756. Misbranding of "Jarabe Calmante de la Sra. Winslow-Laxante" (Mrs. Winslow's Soothing Syrup). U. S. v. 30 Gross of "Jarabe Calmante de la Sra. Winslow-Laxante" (Mrs. Winslow's Soothing Syrup). Default decree of forfeiture and destruction. (F. D. C. No. 12720. Sample No. 33161–F.)

LIBEL FILED: July 12, 1944; amended August 22, 1944, District of Puerto Rico.

ALLEGED SHIPMENT: On or about October 23, 1943, by the Anglo-American Drug Co., from New York, N. Y.

PRODUCT: 30 gross of 45-cc. bottles of *soothing syrup* at Santurce, P. R.

Examination showed that the product was a syrupy liquid containing laxative drugs such as rhubarb and senna, flavored with essential oils such as anise oil.

LABEL, IN PART: (Translated from the Spanish) "Each bottle contains 45 cubic centimeters of the following formula: Fluidextract of Rhubarb, 0.03–Fluidextract of Senna, 0.19–Sodium Citrate, 1.50–Sodium bicarbonate, 0.17–Glucose, 31.20–Anise Oil, 0.05 cc.–Caraway-seed Oil, 0.03 cc.–Coriander Oil, 0.01 cc.–Fennel Oil, 0.07 cc.–Glycerine, 2.8 cc.–water sufficient to make 45 cubic centimeters."

NATURE OF CHARGE: Misbranding, Section 502(a), the designation, "Jarabe Calmante" (soothing syrup), which appeared upon the wrapper, bottle label, and circular wrapped around the bottle, was false and misleading since the effect of the article would not be soothing; and certain statements in the labeling were false and misleading since they represented and suggested that the article was harmless and would be an effective and appropriate treatment for

colics, diarrhea, vomiting, congestions, fevers, gastric indigestion in children, stomach acidity, and constipation. The article, which contained irritant cathartic drugs, was not harmless and would not fulfill the promises of benefit stated and implied.

Further misbranding, Section 502(a), the following statement (translated from the Spanish) in the circular was misleading since it created the impression that the article contained no harmful and deleterious drugs: "To mothers so they may know the true quality of Mrs. Winslow's Soothing Syrup we describe as follows the ingredients and you will notice that it does not contain opium, morphine, alcohol, strong purgatives or other substances harmful to children." The article contained cathartic drugs which might be harmful.

Further misbranding, Section 502(a), the following statements (translated from the Spanish) in the circular were false and misleading since neither the formula nor the ingredients have been approved by the Department of Public Health of the United States: "Its formula and ingredients have been approved by all the Departments of Public Health of the different countries of North and South America"; and the statement on the wrapper, "Puramente vegetal," was false and misleading since the ingredients sodium bicarbonate and sodium citrate are not vegetal.

Section 502(f)(2), the labeling failed to bear adequate warnings against administration of the article in case of abdominal pain, nausea, vomiting, or other symptom of appendicitis, or warning that the frequent and continued use of the article might result in dependence upon laxatives to move the bowels.

DISPOSITION: December 21, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed. The containers were ordered salvaged and delivered to the Anglo-American Drug Co.

1757. Misbranding of Testavins. U. S. v. 57 Bottles and 35½ Dozen Bottles of Testavins. Default decrees of condemnation and destruction. (F. D. C. Nos. 16488, 16651. Sample Nos. 455–H, 22966–H.)

LIBELS FILED: June 21 and 28, 1945, Eastern District of Missouri and Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 6 and May 10, 1945, by the Veltex Co., from Birmingham, Ala.

PRODUCT: 57 100-tablet bottles of *Testavins* at St. Louis, Mo., and 23¾ dozen 20-tablet bottles and 11¾ dozen 100-tablet bottles of *Testavins* at Atlanta, Ga. Examination showed that the article had essentially the composition claimed on the label.

LABEL, IN PART: "Testavins 100 [or "20"] Tablets Indicated in Functional Impotence of Neurasthenic Origin * * * Each Tablet Contains: Vitamin B_1 . . . 666 U. S. P. Units Yohimbin Hydrochloride 0.0005 Gram Orchic Substance 0.05 Gram Calcium Glycerophosphate 0.15 Gram Sodium Glycerophosphate 0.15 Gram Extract Nux Vomica 0.03 Gram Distributed by Vitamin Park * * * New York City."

NATURE OF CHARGE: Misbranding, Section 502 (a), all lots. The label statements, "Indicated in Functional Impotence of Neurasthenic Origin * * * Take 2 to 3 Tablets depending upon age and severity of Case," were false and misleading since the article would not be effective for impotence.

Further misbranding, Atlanta lot. Section 502 (a), the label statement, "Each Tablet Contains * * * Orchic Substance 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth; Section 502 (e), the label failed to bear a statement of the quantity or proportion of the strychnine contained in the article; and, Section 502 (f) (2), the label failed to warn that, in view of the yohimbine hydrochloride present, the article should not be taken by those suffering from heart disease, high blood pressure, or kidney disease, and that an article containing nux vomica might be dangerous, especially when used by elderly persons, and it also failed to warn that the use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: July 27 and August 1, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1758. Misbranding of Vulcan Tablets. U. S. v. 10 Dozen Bottles of Vulcan Tablets. Default decree of destruction. (F. D. C. No. 16433. Sample No. 20747–H.)

LIBEL FILED: On or about June 19, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 21, 1945, by the Modern Medicines Co., from Memphis, Tenn.

PRODUCT: 10 dozen bottles of *Vulcan Tablets* at Kansas City, Mo. Analysis of a sample disclosed that the product consisted essentially of ferrous sulfate, vitamin B_1, and extracts of plant drugs such as yohimbine and damiana.

LABEL, IN PART: (Bottle) "30 Vulcan Tablets Each Vulcan Tablet Contains: Yohimbine Hydro. * * * Ext. Damiana * * * Des. Orchic Substance * * * Thiamin Hcl. * * * Calcium Glycerophosphate, Exs. Ferrous Sulfate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article was misleading since the statement, "For Adult Men Only," created the impression that the article was of some benefit for conditions affecting adult males, and the labeling was further misleading since it failed to reveal the material fact that orchic substance has no therapeutic value when taken by mouth; and, Section 502 (f) (1), the labeling failed to bear adequate directions for use since it did not state the conditions in which the article was to be used.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1759. Misbranding of Aphrodisiac Tablets. U. S. v. 10 Bottles of Aphrodisiac Tablets. Default decree of condemnation and destruction. (F. D. C. No 16138. Sample No. 16536–H.)

LIBEL FILED: May 23, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 1, 1944, by the S. E. Massengill Co., from Bristol, Tenn.-Va.

PRODUCT: 10 bottles of *Aphrodisiac Tablets* at Chicago, Ill. Examination showed that the product contained nux vomica extract, zinc phosphide, and damiana extract.

LABEL, IN PART: (Bottle) "1000 Tablets Aphrodisiac * * * Caution: To be used only by or on prescription of a physician."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Aphrodisiac" was false and misleading since it represented and suggested that the article would be effective as an aphrodisiac, whereas it would not be effective for that purpose; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: October 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1760. Misbranding of Chinaroid Rectal Balm. U. S. v. 93 Cartons of Chinaroid Rectal Balm. Default decree of destruction. (F. D. C. No. 16103. Sample No. 19208–H.)

LIBEL FILED: May 14, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about April 1, 1944, by the Knox Co., from Buffalo, N. Y.

PRODUCT: 93 cartons, each containing 1 tube, of *Chinaroid Rectal Balm* at Minneapolis, Minn. Analysis showed that the article contained benzocaine, carbolic acid, aluminum sulfate, and stramonium extract supplying 0.07 percent stramonium alkaloids.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "A Soothing Comforting Balm to Alleviate Irritation, Itching and Pain," together with the directions for use, "Use Twice Daily Attach key to bottom of tube and turn slightly until salve reaches end of applicator and exudes. Insert applicator gently into rectum and turn key, attached to tube, one-quarter turn. This provides the proper dose of Chinaroid * * * Repeat morning and night as needed to relieve rectal discomfort," and "If bleeding exists apply Chinaroid with finger instead of inserting applicator," were misleading since the labeling of the article failed to reveal the fact that it might be deleterious and might cause harmful reactions, which fact was material in the light of the representations in the labeling and material with respect to the consequences which might result from the use of the article under the conditions of use prescribed in the labeling.

Further misbranding, Section 502 (f) (2), the labeling failed to warn against use of the article in case of bleeding which might be an indication of a serious condition; and it also failed to warn that the dosage should be decreased if blurring of the vision or dryness of the throat developed, and that if those conditions persisted after decreasing the dose, the use of the article should be discontinued.

DISPOSITION: September 8, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1761. Misbranding of Interferin. U. S. v. 19 Unlabeled Tubes of Interferin. Default decree of condemnation and destruction. (F. D. C. No. 16284. Sample No 17383–H.)

LIBEL FILED: May 29, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 12, 1945, from Chicago, Ill.

PRODUCT: 19 unlabeled tubes of *Interferin* at South Milwaukee, Wis. A partial analysis of a sample showed that the article contained soap.

NATURE OF CHARGE: Misbranding, Section 502 (b), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and it failed to bear an accurate statement of the quantity of the contents; Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient of the article; and, Section 502 (f) (1), the labeling failed to bear adequate directions for use.

DISPOSITION: July 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

1762. Adulteration of cough drops. U. S. v. Ernest E. Johnson (Ernest E. Johnson Co.) Plea of guilty. Fine, $500. (F. D. C. No. 14284. Sample Nos. 40524–F, 40525–F, 59369–F, 71036–F, 71248–F.)

INFORMATION FILED: September 10, 1945, District of Minnesota, against Ernest E. Johnson, trading as the Ernest E. Johnson Co., Minneapolis, Minn.

ALLEGED SHIPMENT: Between the approximate dates of February 16 and April 27, 1944, from the State of Minnesota into the States of Iowa, Wisconsin, and Oregon.

LABEL, IN PART: "Johnson's Extra Strong Horehound Drops," or "Brystsukker Cough Drops."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent excreta, rodent hair, insect fragments, feather fragments, human hair, unidentified hair, and rodent and cat hair fragments.

DISPOSITION: October 9, 1945. The defendant having entered a plea of guilty to all counts, the court imposed a fine of $125 on each count, a total fine of $500.

1763. Adulteration of stramonium leaves. U. S. v. 4 Bales of Stramonium Leaves. Default decree of condemnation and destruction. (F. D. C. No. 16195. Sample No. 6906–H.)

LIBEL FILED: May 22, 1945, Northern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1944, by the St. Louis Commission Co., from St. Louis, Mo.

PRODUCT: 4 bales containing a total of 1,930 pounds of *stramonium leaves* at Norwich, N. Y. Examination showed that the product contained rodent hair fragments, insects, and insect fragments.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the product consisted in whole or in part of a filthy substance.

DISPOSITION: August 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF THE PRESENCE OF NONCERTIFIED COAL-TAR COLORS

1764. Action to enjoin and restrain the interstate shipment of adulterated and misbranded coal-tar colors. U. S. v. Interstate Color Co., Inc., and Samuel H. Ebert. Consent decree granting injunction. (Inj. No. 68.)

COMPLAINT FILED: July 1, 1944, Southern District of New York, against the Interstate Color Co., Inc., New York, N. Y., and Samuel H. Ebert, president and treasurer of the corporation.

NATURE OF CHARGE: That since on or before May 11, 1943, the defendants had been introducing and delivering for introduction into interstate commerce quantities of *coal-tar colors* which were adulterated and misbranded in the following manner:

Adulteration, Section 501 (a) (4), the articles bore and contained, for purposes of coloring only, coal-tar colors from a batch other than one certified in accordance with the regulations.

Misbranding, Section 502 (a), the labels of the articles bore false and misleading statements.

It was also charged that the defendants had been introducing and delivering for introduction into interstate commerce quantities of coal-tar colors which were adulterated and misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

PRAYER OF COMPLAINT: That the defendants be permanently enjoined and restrained from commission of the acts complained of.

DISPOSITION: January 4, 1945. The defendants having consented to the entry of a decree, the court issued an order enjoining them from introducing or delivering for introduction into interstate commerce any adulterated and misbranded drugs or cosmetics including colors consisting in whole or in part of Oil Yellow F. N., Colour Index No. 19, or Oil Yellow C., Colour Index No. 17, and all mixtures or combinations purporting to be certified mixtures which contain Croceine Orange, Colour Index No. 26. It was provided, however, that the order should not apply to the shipment of those colors for use other than as drugs or cosmetics.

1765. Adulteration of color. U. S. v. 1 Can of Color. Default decree of condemnation and destruction. (F. D. C. No. 16319. Sample No. 106–H.)

LIBEL FILED: June 5, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 14, 1941, from Charlotte, N. C., by the National Aniline Division, Allied Chemical and Dye Corporation.

PRODUCT: 1 can containing approximately 2½ pounds of *color* at Tampa, Fla. Examination showed that the product contained D&C Green No. 6 and Butter Yellow, Colour Index No. 17, the latter being a dye which cannot be certified for use in foods, drugs, or cosmetics, and which possesses carcinogenic properties.

LABEL, IN PART: "Natl Oil Green M–255."

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the product bore and contained, for purposes of coloring only, a coal-tar color, Butter Yellow, Colour Index No. 17, which had not been listed for use in drugs in accordance with the regulations and was other than one from a batch that had been certified.

DISPOSITION: July 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1766. Adulteration and misbranding of Tossebeone. U. S. v. E. Tosse & Co., Inc. Plea of guilty. Fine, $100. (F. D. C. No. 14302. Sample No. 35056–F.)

INFORMATION FILED: June 11, 1945, Eastern District of New York, against E. Tosse & Co., Inc., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about March 28, 1944, from the State of New York into the State of Georgia.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from and its quality fell below that which it was represented to possess,

*See also No. 1751.

since it was represented to contain 100 milligrams of thiamine hydrochloride per cubic centimeter, whereas it contained not more than 77.5 milligrams of thiamine hydrochloride per cubic centimeter.

Misbranding, Section 502 (a), the label statement, "Each cc. containing 100 mgm. Thiamine Hydrochloride," was false and misleading.

DISPOSITION: September 13, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 on each of the 2 counts of the information, a total fine of $100.

1767. Adulteration and misbranding of Folestrin Suppositories and pituitary liquid. U. S. v. Armour and Co. (The Armour Laboratories). Plea of guilty. Fine, $1,000 and costs. (F. D. C. No. 14215. Sample Nos. 39168–F, 54610–F.)

INFORMATION FILED: June 13, 1945, Northern District of Illinois, against Armour and Co., a corporation, trading as the Armour Laboratories, Chicago, Ill.

ALLEGED SHIPMENT: November 1 and 26, 1943, from the State of Illinois into The State of Indiana.

LABEL, IN PART: "Armour * * * Folestrin," and "Armour * * * Pituitary Liquid."

NATURE OF CHARGE: *Folestrin.* Adulteration, Section 501 (c), the strength of the article fell below that which it purported and was represented to possess, since each suppository was represented to contain 2,000 International Units of estrone, whereas each suppository contained not more than 500 International Units of estrone. Misbranding, Section 502 (a), the label statement, "Each Suppository Contains 2,000 International Estrogenic Units," was false and misleading since it represented and suggested that each suppository contained 2,000 International Units of estrone, whereas each suppository contained not more than 500 International Units of estrone.

Pituitary Liquid. Adulteration, Section 501 (d), a preparation of posterior pituitary having a potency per cubic centimeter of materially less than 20 U. S. P. posterior pituitary units had been substituted for pituitary liquid having a potency of 20 U. S. P. posterior pituitary units per cubic centimeter, which the article was represented to be. Misbranding, Section 502 (a), the label statements, "Pituitary Liquid Double Strength Solution of Posterior Pituitary Injection U. S. P. XII 20 U. S. P. Units Per cc," and "The Strength of This Solution is Double That of the Official U. S. P. Preparation 20 U. S. P. Units Per cc," were false and misleading since the article did not possess a potency of double that possessed by posterior pituitary injection of the official standard, but possessed a potency of not more than two-thirds of that claimed; and each cubic centimeter of the article did not contain 20 U. S. P. posterior pituitary units but contained not more than 13⅓ posterior pituitary units.

DISPOSITION: September 24, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1,000 and costs.

1768. Adulteration and misbranding of estrogenic substance in oil and estrogenic hormones. U. S. v. 70 Vials of Estrogenic Hormones (and 2 other seizure actions against estrogenic hormones and estrogenic substance). Decree of condemnation. Products ordered released under bond. (F. D. C. Nos. 15881, 15882, 15897. Sample Nos. 3826–H, 3828–H, 3905–H.)

LIBELS FILED: April 6 and 12, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of December 8, 1944, and February 23, 1945, by the Pro-Medico Laboratories, Inc., from Brooklyn, N. Y.

PRODUCT: 70 vials and 5,895 ampuls of *estrogenic hormones* and 4 bottles of *estrogenic substance* at Philadelphia, Pa. Examination showed that the estrogenic material present in the product consisted essentially of estradiol with no significant proportion of estrone.

LABEL, IN PART: (Vials) "20 cc. Estrogenic Hormones Multiple Dose Vial A sterile solution in ampul oil of estrogenic substances derived from equine urine"; (ampuls) "1 cc. Estrogenic Hormones * * * Professional Prod. Co., Phila., Pa. Dist."; and (bottles) "Estrogenic Substance in Oil. Each cc contains Estrogenic Substance derived from equine urine."

NATURE OF CHARGE: Adulteration, Section 501 (d), 70-vial lot and 4-bottle lot, a preparation containing estrogenic material including little or no estrone had been substituted in whole or in part for a preparation containing estrogenic substances as they occur in equine urine.

Misbranding, Section 502 (a), the statement on the label of the 4-bottle lot, "contains estrogenic substance derived from equine urine," was misleading since the estrogenic material in the article was not composed of estrogenic material as it occurs in equine urine; and, Section 502 (e) (2), the label of the article in the 5,895-ampul lot failed to bear the common or usual name of each active ingredient since the term "Estrogenic Hormones" is the name of a group of chemical compounds and not the specific name of any particular hormone.

DISPOSITION: October 11, 1945. The Pro-Medico Laboratories, Inc., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1769. Adulteration of estrogenic substance powder and adulteration and misbranding of estrogenic hormones. U. S. v. 1 Bottle of Estrogenic Substance Powder and 2 Vials of Estrogenic Hormone. Decrees of condemnation. One product ordered released under bond. (F. D. C. Nos. 16386, 16441. Sample Nos. 16552–H, 31329–H.)

LIBELS FILED: June 6 and 14, 1945, Southern District of California and Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 7, 1944, and April 9, 1945, by the Hema Drug Co., Inc., from Maspeth, N. Y.

PRODUCT: 2 vials of *estrogenic hormone* and 1 bottle of *estrogenic substance powder* at Woodworth, Wis., and Pasadena, Calif., respectively.

LABEL, IN PART: "Estrogenic Hormone 12 Grams," or "12 Grams Natural Estrogenic Substance Powder. Consists principally of estrone, estriol and estradiol with auxiliary hormones * * * as found in pregnant mares' urine."

NATURE OF CHARGE: *Estrogenic hormone.* Adulteration, Section 501 (d), a substance consisting largely of cholesterol, with relatively small proportions of estrone and estradiol, had been substituted in whole or in part for estrogenic hormone. Misbranding, Section 502 (a), the label statement "Estrogenic Hormone" was false and misleading.

Estrogenic substance powder. Adulteration, Section 501 (d), a substance consisting largely of cholesterol, with estradiol and a relatively small proportion of estrone, had been substituted in whole or in part for natural estrogenic substance powder consisting principally of estrone, estriol, and estradiol with auxiliary hormones as found in pregnant mares' urine.

DISPOSITION: August 24 and September 6, 1945. The Hema Drug Co., Inc., having appeared as claimant for the *estrogenic substance powder* and having consented to the entry of a decree, and no claim having been entered for the *estrogenic hormone*, judgments of condemnation were entered. The *estrogenic substance powder* was ordered released under bond for relabeling in conformity with the law, under the supervision of the Federal Security Agency. The *estrogenic hormone* was destroyed.

1770. Adulteration of water for injection. U. S. v. 112 Ampuls of Water for Injection. Default decree of destruction. (F. D. C. No. 16418. Sample No. 12989–H.)

LIBEL FILED: June 11, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 1, 1945, from Philadelphia, Pa., by Sharp and Dohme, Inc.

PRODUCT: 112 ampuls of *water for injection* at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Water for Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1771. Adulteration of water for injection. U. S. v. 2 Boxes Containing 200 Ampuls of Distilled Water. Default decree of condemnation and destruction. (F. D. C. No. 13738. Sample No. 86931–F.)

LIBEL FILED: September 29, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 6, 1944, by the Metropolitan Laboratories, from New York, N. Y.

PRODUCT: 2 boxes containing 200 ampuls of *water for injection* at Chicago, Ill.

LABEL, IN PART: (BOX) "100 Ampuls 10 cc. size Water U. S. P. Distilled for Ampuls Sterile."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Water for Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: November 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1772. Adulteration of tincture of nux vomica. U. S. v. 10 Bottles of Tincture Nux Vomica. Default decree of condemnation and destruction. (F. D. C. No. 16385. Sample Nos. 11383–H, 11394–H.)

LIBEL FILED: June 18, 1945, District of Maine.

ALLEGED SHIPMENT: On or about April 25 and May 24, 1945, by Brewer & Co., Inc., from Worcester, Mass.

PRODUCT: 10 1-pint bottles of *tincture of nux vomica* at Portland, Maine. Analysis showed that each 100 cc. of the product yielded 0.18 gram of strychnine.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Tincture of Nux Vomica," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard since the article yielded, from each 100 cc., more than 0.125 gram of strychnine, the maximum permitted by the Pharmacopoeia.

DISPOSITION: July 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1773. Adulteration and misbranding of isopropyl alcohol. U. S. v. 25 Gross Bottles of Isopropyl Alcohol. Default decree of condemnation and destruction. (F. D. C. No. 16296. Sample No. 4089–H.)

LIBEL FILED: May 24, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 21, 1945, by the Greenpoint Laboratories, Inc., from New York, N. Y.

PRODUCT: 25 gross bottles of *isopropyl alcohol* at Philadelphia, Pa. Examination showed that the product contained not more than 62.8 percent by volume of isopropyl alcohol, and that the bottle was short volume.

LABEL, IN PART: "Greenco Isopropyl Alcohol Bathing Compound 70% * * * Contents 16 Fl. Ozs."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, isopropyl alcohol 70%.

Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1774. Adulteration of rubbing alcohol. U. S. v. 9 Cases and 36 Cases of Rubbing Alcohol. Default decrees ordering the destruction of a portion of the product and the delivery of the remainder to a local hospital. (F. D. C. Nos. 16472, 16996. Sample Nos. 25549–H, 27822–H.)

LIBELS FILED: June 20 and August 7, 1945, Eastern District of Washington and District of Utah.

ALLEGED SHIPMENT: On or about March 23 and July 8, 1945, from Oakland, Calif., by the Lura-Glo Laboratories.

PRODUCT: 9 cases and 36 cases of *rubbing alcohol* at Yakima, Wash., and Salt Lake City, Utah, respectively. Analysis showed that the article in the two shipments contained, respectively, approximately 30 percent and 35 percent by volume of isopropyl alcohol.

LABEL, IN PART: "L. G. Rubbing Compound Isopropyl Alcohol 70% by Volume 1 Pint."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, isopropyl alcohol 70 percent.

DISPOSITION: August 7 and October 5, 1945. No claimant having appeared, judgments were entered ordering that the Washington lot be delivered to a local hospital and that the Utah lot be destroyed.

1775. Adulteration and misbranding of adhesive gauze bandage. U. S. v. 6¾ Gross Packages of Adhesive Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 16309. Sample No. 4611-H.)

LIBEL FILED: June 1, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: January 24, 1945, by the World Merchandise Exchange, from New York, N. Y.

PRODUCT: 6¾ gross packages of *adhesive gauze bandage* at Harrisburg, Pa.

LABEL, IN PART: "Home-aid Brand 8 Adhesive Strips For Home, Factory and Sport Use."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be a drug, "Adhesive Absorbent Gauze [Adhesive Absorbent Compress]," the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile but was contaminated with living micro-organisms.

Misbranding, Section 502 (g), the article was not packaged as is prescribed in the United States Pharmacopoeia, since that compendium provides that "Each Adhesive Absorbent Gauze is packaged individually in such manner that sterility is maintained until the individual package is opened. One or more individual packages are packed in a second protective container."

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1776. Adulteration and misbranding of prophylactics. U. S. v. 500 Gross of Prophylactics (and 9 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 14928, 15235, 15239, 15240, 15292, 15380, 15454, 15456, 16228, 16255, 16976. Sample Nos. 97657-F, 6321-H, 6323-H, 10225-H, 18588-H, 18826-H, 20731-H, 22115-H, 23219-H, 23221-H, 23224-H, 23225-H, 23708-H, 23717-H, 24184-H.)

LIBELS FILED: Between January 2 and August 13, 1945, District of Minnesota, Eastern and Western Districts of Missouri, Southern District of New York, Eastern District of Louisiana, Southern District of Texas, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between November 25, 1944, and May 2, 1945, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: *Prophylactics*, 654½ gross at Minneapolis, Minn., 249 gross at St. Louis, Mo., 50 gross at New York, N. Y., 250 gross at New Orleans, La., 419 gross at Houston, Tex., 40 gross at Pittsburgh, Pa., 32 gross at Kansas City, Mo., and 42¾ gross at Springfield, Mo. Examination of samples of the product disclosed that a number were defective in that they contained holes.

LABEL, IN PART: "Xcello's Prophylactics," or "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: Between March 8 and October 3, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

1777. Misbranding of Clover Blossom Honey. U. S. v. Harold L. Pagel (Clover Blossom Honey Co.). Plea of guilty. Fine, $500. (F. D. C. No. 15577. Sample No. 81808-F.)

LIBEL FILED: August 3, 1945, Middle District of Pennsylvania, against Harold L. Pagel, trading as the Clover Blossom Honey Co., Wilkes-Barre, Pa.

ALLEGED SHIPMENT: On or about June 7, 1944, from the State of Pennsylvania into the State of Connecticut.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying booklet entitled "Home Remedies Use Only Clover Blossom

*See also Nos. 1752–1760, 1764, 1766–1769, 1776.

Honey" were false and misleading since they represented and created the impression that glucose is superior to common white sugar in nutritional properties and digestibility; that white sugar is not readily available in the body economy; that the saccharine substance in honey is all glucose; that honey is more digestible and acceptable to the body than ordinary white sugar; that honey is unequaled as an energy producer for tired and run-down people; that honey is of peculiar and special value in the diet of diabetic patients; that honey is of special value in heart weakness; that it would be of value in reviving the heart action and keeping patients alive; that the article, when used in conjunction with certain substances named in the booklet and in the manner set forth therein, would be efficacious in the cure, mitigation, treatment, and prevention of asthma and anemic conditions, bladder and kidney trouble, boils, cuts, scratches, and burns, bronchitis, colds, croup and whooping cough, corns, eczema, flu, high blood pressure, gas on the stomach, or heartburn, goiter, grip, hay fever, lost appetite, underweight, nervousness, loss of sleep, piles, pimples, a run-down condition, rheumatism, sinus trouble, stomach cramps, skin diseases, stomach trouble, smothering spells, sore mouth, sore throat, biliousness, ulcerated stomach, ulcerated sore throat, and worms; that it would be efficacious to aid babies in teething; that it would be efficacious as a canary bird tonic, poultice, and spring tonic; that it possessed marvelous healing properties; that it would aid in reducing and in gaining body weight; that it would aid in removing specks from the eye; and that it would be efficacious in the treatment of constipation and headaches. Glucose is not superior to common white sugar in nutritional properties and digestibility; white sugar is readily available in the body economy; the saccharine substance in honey is not all glucose; honey is not more digestible and acceptable to the body than ordinary white sugar; there is no advantage in using honey in the place of ordinary cane or beet sugar; honey is not unequaled as an energy-producer for tired, run-down people; honey is not of peculiar and special value in the diet of diabetic patients; honey is not of special value in heart weakness, and it would be of no value in reviving the heart action and keeping patients alive; the article did not possess marvelous healing properties; and the article, when used in conjunction with the substances named and in the manner set forth in the booklet, would not be efficacious for the purposes represented.

DISPOSITION: October 23, 1945. A plea of guilty having been entered, the court imposed a fine of $500.

1778. Misbranding of Calwhey. U. S. v. Christian L. Neubert (the Calwhey Co.). Plea of guilty. Fine, $50. (F. D. C. No. 11392. Sample No. 12275–F.)

INFORMATION FILED: June 10, 1944. Northern District of California, against Christian L. Neubert, trading as the Calwhey Co., San Francisco, Calif.

ALLEGED SHIPMENT: On or about May 13, 1943, from the State of California into the State of Washington.

PRODUCT: Examination disclosed that the product consisted essentially of dried whey.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in controlling body temperature and in increasing the beneficial type of flora; that it would preserve the normal alkalinity of the blood; that it would be efficacious as a mild intestinal bactericide; that it would be efficacious in the cure, mitigation, treatment, or prevention of colitis, nervousness, and listlessness; that it would be efficacious to stimulate the liver, to increase the flow of bile, and to promote natural peristalsis; that it would aid and promote good digestion; that it would promote a healthy skin; and that it would be efficacious to reduce body weight. The article would not be efficacious for the purposes represented.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 23, 1944. A plea of guilty having been entered, the court imposed a fine of $25 on each of 2 counts.

1779. Misbranding of Delamer. U. S. v. Frank E. Birtwhistle (Del Monte Laboratories). Plea of nolo contendere. Fine, $2. (F. D. C No. 12581. Sample No. 36512–F.)

INFORMATION FILED: January 17, 1945; amended April 9, 1945, Northern District of California, against Frank E. Birtwhistle, trading as the Del Monte Laboratories, Monterey, Calif.

ALLEGED SHIPMENT: On or about September 9, 1943, from the State of California into the State of Utah.

PRODUCT: The product was ocean water to which had been added small amounts of calcium acetate, iron chloride, and potassium iodide.

LABEL, IN PART: "Delamer A Mineralized Water * * * Ocean Sea Water Specially Processed."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the circulars accompanying the article were misleading since they represented, suggested, and implied that the "wearing out" of the body as evidenced by the slowing of the function of the blood, lack of vitality and pep, general poor physical condition, and lack of mental vigor, is usually the result of lack of minerals in the diet; that the user might reasonably expect that the consumption of the article would retard the "wearing out" processes of the body and prolong life; that the article would prevent the slowing of the function of the blood; that it would restore vitality and pep and improve the general physical condition and mental vigor; and that it was a rich source of all minerals. The "wearing out" of the body is a natural process with which lack of minerals is not ordinarily associated; the conditions referred to in the labeling are not usually the result of lack of minerals in the diet, but result from many and varied causes; the user might not reasonably expect that the consumption of the article would prevent or correct such conditions, since it would not be ordinarily efficacious for such purposes; and the article was not a rich source of all minerals.

Further misbranding, Section 502 (a), certain statements in the circulars were misleading since they represented and suggested that the ordinary diet of children does not provide them with calcium in amounts sufficient to attain normal growth; that the ordinary diet does not contain sufficient minerals for the normal needs of the body; that it is necessary to supplement the ordinary diet with additional minerals; and that it is practically impossible to obtain foods which contain sufficient minerals for the needs of the body. The ordinary diet of children provides them with calcium in amounts sufficient to attain normal growth; the ordinary diet contains sufficient minerals for the normal needs of the body; and, therefore, it is not necessary to supplement the ordinary diet with additional minerals.

The article was also charged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 2, 1945. The defendant having entered a plea of nolo contendere, a fine of $1 on each count was imposed.

1780. Alleged misbranding of Moffett's Teethina. U. S. v. 208 Packages of Moffett's Teethina. Tried to the court and jury. Verdict for the claimant; libel dismissed. Appeal taken to Circuit Court of Appeals for the Fifth Circuit. Appeal dismissed on motion of the Government. (F. D. C. No. 7956. Sample No. 29523–F.)

LIBEL FILED: July 25, 1942, Western District of South Carolina.

ALLEGED SHIPMENT: On or about June 30, 1942, by the C. J. Moffett Medicine Co., from Columbus, Ga.

PRODUCT: 208 packages of *Moffett's Teethina* at Greenville, S. C. Analysis showed that the product consisted essentially of calomel, 0.0492 grain, bismuth subnitrate, 1.91 grains, and cinnamon.

LABEL, IN PART: (Carton) "TEETHINA is a soothing relief for teething babies when the stomach or bowels are upset from improper feeding. * * * DIARRHEA OR LOOSE BOWELS WHEN DUE TO IMPROPER FEEDING * * * COLIC WHEN DUE TO GAS OR SOUR STOMACH * * *"; (circular) "* * * FOR DIARRHEA OR LOOSE BOWELS WHEN DUE TO IMPROPER FEEDING. Children under 2 years of age, give 1 powder every 4 hours until actions are improved. If the child is over 2 years of age, give 1 powder every 3 hours. If not relieved in 2 days, consult your physician. FOR COLIC WHEN DUE TO GAS OR SOUR STOMACH. Give a powder two or three times a week until relief has been obtained. TEETHINA is a soothing relief for teething babies when the stomach or bowels are upset from improper feeding."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the circular which accompanied it were false and misleading since they represented and suggested that the article would be effective for soothing teething babies; that it would be effective for diarrhea or loose bowels when due to improper feeding; and that it would be effective

for colic when due to gas or sour stomach. The article would not be effective for the purposes represented and suggested.

DISPOSITION: Mrs. Minnie L. Flournoy and Mrs. Mattie H. Flournoy, trading as the C. J. Moffett Medicine Company, claimants, filed an answer denying that the product was misbranded and demanding a jury trial. They also filed a motion for removal of the action to the Middle District of Alabama for trial. On August 6, 1942, pursuant to stipulation between counsel for the claimants and the Government, the court ordered the case removed to that district. On March 31, 1943, the claimants filed an amendment to the answer, praying judgment in their favor and alleging that the Government was estopped from maintaining the action and that the issues had been adjudicated against the Government as the result of alleged compliance by the claimants with a cease and desist order of the Federal Trade Commission. The Government's motion to strike the claimants' answer was denied on April 6, 1943. The case then came on for hearing before a jury. At the conclusion of the testimony, the court reversed its former ruling and ordered the amended answer of the claimant stricken from the records and the evidence on the issues raised by the amended answer excluded from consideration by the jury. On April 7, 1943, the jury returned a verdict in favor of the claimants, and the libel was ordered dismissed. An appeal by the Government to the Circuit Court of Appeals for the Fifth Circuit was dismissed on motion of the Government.

1781. Misbranding of Wheatamin Brand Cevigards. U. S. v. 26 Bottles of Wheatamin Brand Cevigards. Default decree of condemnation and destruction. (F. D. C. No. 13380. Sample No. 81364–F.)

LIBEL FILED: August 26, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 30, 1944, by the De Pree Co., from Holland, Mich.

PRODUCT: 26 dozen bottles, each containing 100 tablets, of *Wheatamin Brand Cevigards* at Kansas City, Mo. Analysis showed that the product contained vitamin C, vitamin B_1, yeast, and riboflavin.

LABEL, IN PART: "Wheatamin Brand Cevigards Each Tablet Provides Ascorbic Acid (Civitamic Acid) 50.0 mg."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the labeling (leaflet and display card) were false and misleading since they represented and suggested that the article would be an effective treatment for the symptoms of hay fever. The article would not be effective for that purpose.

DISPOSITION: On October 5, 1944, the De Pree Co., claimant, filed an answer denying the allegations of the libel and petitioned the court to direct that the case be transferred from the Western District of Missouri to the Western District of Michigan. In accordance with claimant's petition, the order for removal and transfer of the case was entered on November 2, 1944. On January 3, 1945, the Government having filed a motion to vacate the order of removal, the court, after hearing the arguments of counsel, denied the Government's motion and refused to rescind the order in a decision reading as follows:

J. C. COLLETT, *District Judge:* "The claimant of the property libeled herein whose principal place of business is at Grand Rapids, Michigan, requested the transfer of this cause to that District. After determining that there was no suggestion of any possible actual injury, prejudice or disadvantage to the Government from such an order, the request was granted in the interest of economy in time, expense, and transportation facilities. The Clerk has transmitted all of the original files to the United States District Court at Grand Rapids. The Government now seeks to have the order rescinded because in the opinion of counsel the statute does not authorize the transfer of the cause to a District in which the principal place of business of the claimant is located and that to permit the order to stand will establish a precedent inconsistent with the spirit and intent of the law. The order made was, as stated, in the interest of economy consistent with the necessity of the present national emergency and should not be treated as a precedent. In view of the fact that any order made by this Court at this time would not return the cause to this docket without the further action of the Court to which the cause was sent, it is appropriate that the determination of that Court's jurisdiction be left to the better informed judgment of that Court—with appropriate apologies."

On March 23, 1945, the Government having filed a motion in the Western District of Michigan for the return of the action to the Western District of Missouri, the court, after considering the pleadings and arguments of counsel, granted the Government's motion with the following memorandum opinion:

FRED M. RAYMOND, *District Judge:* "Application of the principles of statutory construction discussed by Judge McAllister in the case of Commissioner of Internal Revenue v. Strong Mfg. Co., 6 Cir., 124 F. (2d) 360, 364, results in the conclusion that the words "district of reasonable proximity to the claimant's principal place of business" as used in Section 334 (a) of Title 21 U. S. C., providing for removal for trial to another district of a libel for condemnation proceedings under the Federal Food, Drug and Cosmetic Act, do not include authority to remove to the district within which claimant's principal place of business is located. (See U. S. vs. Six Dozen Bottles, etc., 55 F. Supp. 458; U. S. v. 168 Dozen, etc. Bromo Seltzer, (unreported) decided May 25, 1939, by Judge Clancy, S. District of New York; U. S. v. 74 Cases, etc., 55 F. Supp. 745.)

"An order will accordingly be entered remanding said cause to the United States District Court for the Western District of Missouri, Western Division."

On September 17, 1945, the claimant having failed to appear, judgment was entered finding the product misbranded and ordering that it be destroyed.

1782. Misbranding of Mafoliata products. U. S. v. 7 Bottles of Ma-Ta Tablets, 20 Cartons of Ma-Fol Suppositories, 22 Bottles of Liquid Ma-Ta, 22 Cartons of Ma-Ta Vegetable Compound, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16384. Sample Nos. 23848–H to 23851–H, incl.)

LIBEL FILED: July 5, 1945, Northern District of Texas.

ALLEGED SHIPMENT: By the Mafoliata Corporation, from Chicago, Ill. The products were shipped between the approximate dates of March 15 and May 9, 1945, and the printed matter was shipped on or about May 9, 1945.

PRODUCT: 7 100-tablet bottles of *Ma-Ta Tablets*, 20 cartons of *Ma-Fol Suppositories*, 22 1-quart bottles of *Liquid Ma-Ta*, 22 cartons of *Ma-Ta Vegetable Compound*, a number of accompanying leaflets entitled "Ma-Ta Mafoliata," and a number of accompanying testimonial letters, at Abilene, Tex.

Examination showed that the *Ma-Ta Tablets* consisted essentially of an extract of plant material containing the alkaloid berberine coated with calcium carbonate and iron oxide; that the *Ma-Fol Suppositories* consisted essentially of an extract of plant material containing the alkaloid berberine incorporated into a greasy base; that the *Liquid Ma-Ta* consisted essentially of an extract of plant material containing the alkaloid berberine, water, and a small proportion of sodium benzoate; and that the *Ma-Ta Vegetable Compound* consisted essentially of an extract of plant material containing the alkaloid berberine.

LABEL, IN PART: "Tablets Ma-Ta (Mafoliata)," "Ma-Fol Suppositories," "Liquid Ma-Ta (Mafoliata)," or "Ma-Ta (Mafoliata) Vegetable Compound."

NATURE OF CHARGE: *Ma-Ta Tablets* and *Ma-Ta Vegetable Compound.* Misbranding, Section 502 (a), certain statements in the testimonial letters were false and misleading since they represented and suggested that the articles would be effective in the treatment of the conditions, symptoms, and diseases stated and implied, whereas they would not be effective for such purpose. The conditions, symptoms, and diseases referred to were urinary difficulties, including those due to disorder of the prostate gland, pulmonary tuberculosis, carbuncle of the kidney, pain and soreness in the back, weakness, sleeplessness, lack of appetite, rheumatism, arthritis, and syphilis.

Ma-Fol Suppositories. Misbranding, Section 502 (a), the following label statements were false and misleading since the article would not be effective to accomplish the results stated and implied: "Stop Pain Stop Bleeding Heal and Absorb An Ideal Suppository that usually clears up bleeding and painful hemorrhoids in a few days time"; and, Section 502 (e), the label failed to bear the common or usual name of each active ingredient.

Liquid Ma-ta. Misbranding, Section 502 (a), certain statements appearing in the leaflets and in the testimonial letters were false and misleading since they represented and suggested that the article would be efficacious in the treatment of the conditions mentioned, whereas it would not be efficacious for such purpose. Among the conditions mentioned were the following: Acne, acute septicemia, arthritis, asthma, athlete's foot, abscess in the ear drum, Gerger's or Renaut's disease, blood clots, bronchial troubles, burns, cancer, carbuncles, cartilaginous tumor, common colds, constipation, cuts, lacerations,

and bruises, all dermatitis cases, diabetes, duodenal ulcers, earache, eczema, epilepsy, fractures, fungi, gallstones, kidney trouble, bladder trouble, gangrene, gas bacilli, goiter, gonorrhea, halitosis, hay fever, hemorrhoids, piles, and fistulas; high blood pressure, low blood pressure, impetigo, indigestion, infantile paralysis, iritis, jungle rot, ulcers, osteomyelitis, poison ivy, pyorrhea, red bug or chigger bites, ringworm, dandruff, shingles, sinus, sore eyes, sprains, stomach ulcers, stroke of paralysis, sunburn, swollen glands, syphilis, thrombosis, tired feet, tonsillitis, trench feet, trench mouth, tuberculosis, ulcers and boils, vaginal tumors, varicose veins, warts, Vincent's disease, prostate trouble, infection of the teeth, sinus trouble, psoriasis, brain tumor, sciatica, nervous disorders, rheumatism, pain and soreness in the back, weakness, sleeplessness, lack of appetite, boils, swellings, bumps, pyelonephritis, cystitis, wound infections, growths, abscesses, carcinomas, bedsores, anemic conditions, pyonephritis, chancre, and colitis.

DISPOSITION: October 1, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1783. Misbranding of Devonshire's Earth Salts. U. S. v. 48 Packages of Devonshire's Earth Salts, and 1,000 circulars. Default decree of condemnation. (F. D. C. No. 16368. Sample No. 31226–H.)

LIBEL FILED: June 14, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about May 25, 1945, by F. S. Powers and Co., from Los Angeles, Calif.

PRODUCT: 48 1-pound packages of *Devonshire's Earth Salts* and 1,000 circulars entitled "Devonshire's Earth Salts Mineral Elements," at Milwaukee, Wis. Examination showed that this product consisted essentially of carbonates, sulfates, chlorides, and phosphates of calcium, sodium, iron, and magnesium, and a small proportion of sulfur.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective in the treatment of rheumatism, anemia, colds, sinus trouble, appendicitis, diabetes, skin disease, underweight, constipation, a general run-down condition, eczema, mineral deficiency diseases, colitis, stomach trouble, headache, skin disorders, bladder trouble, palpitation of the heart, leakage of the heart, Bright's disease, high blood pressure, poor eyesight, kidney trouble, dizzy spells, swollen legs, boils, periodic pains, ulcers of the stomach, and piles. The article would not be effective for the purposes claimed.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered, and the product and circulars were destroyed.

1784. Misbranding of sea kelp. U. S. v. 16 Bottles of Sea Kelp, and 1,300 Circulars. Default decree of condemnation and destruction. (F. D. C. No. 16295. Sample No. 4461–H.)

LIBEL FILED: May 25, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 11, 1945, from Zeeland, Mich., by the Kelp Co.

PRODUCT: 8 500-tablet bottles and 8 200-tablet bottles of *sea kelp* and 1,300 circulars entitled "Food Minerals From the Sea," at Paoli, Pa. Examination showed that the product was a compressed tablet of dried sea kelp containing approximately 1.709 grains of mineral matter per tablet, consisting chiefly of the chlorides and carbonates of potassium and sodium.

LABEL, IN PART: "Pure Sea Kelp Dehydrated Macrocystis Pyrifera 5 Grain Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the circulars were false and misleading since they represented and suggested that the article would supply nutritionally significant amounts of copper, calcium, phosphorus, sulfur, sodium, potassium, and magnesium; that it would provide essential minerals that are inadequately supplied by common foods; that ordinary foods are not a reliable source of minerals; that the article would be effective to promote health; that it would be effective to improve appetite, digestive ability, and bowel function; that it would improve the condition of the skin and hair; that it would cause decreased nervous irritability, increased mental alertness, immunity from illness, and an increase in energy reserves; that it would be effective to prevent and correct stomach trouble, rickets, eczema, arthritis, subnormal growth, mental ex-

haustion, headaches, weakness, asthma, hay fever, anemia, skin diseases, low vitality, neuritis, nervousness, overweight, rheumatism, acidosis, constipation, underweight, kidney, bladder, heart, blood, and liver disorders, and conditions resulting from glandular abnormalities; and that it would improve the tooth structure and the gums. The article would supply nutritionally insignificant amounts of the minerals named; it would not provide essential minerals not supplied by common foods, with the exception of iodine; ordinary foods are a reliable source of minerals; and the article would not be effective for the purposes mentioned.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1785. Misbranding of Barnes Alcoholado. U. S. v. 23¾ Dozen Bottles of Barnes Alcoholado. Default decree of condemnation and destruction. (F. D. C. No. 16010. Sample No. 29594–H.)

LIBEL FILED: May 8, 1945, Northern District of Calif.

ALLEGED SHIPMENT: On or about March 12, 1945, by Garraton, Inc., from New York, N. Y.

PRODUCT: 23¾ dozen 9-ounce bottles of Barnes Alcoholado at Oakland, Calif. Examination showed that the product was bay rum, and that it was short volume.

LABEL, IN PART: "Barnes Alcoholado * * * Contents 9 Oz."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements in English, "healing herbs, roots and seed * * * as a relief in cases of rheumatism, high fever, headaches, colds, skin eruptions," and similar statements in Spanish, were false and misleading since the article was not "healing," and it would not be effective in the relief of the conditions named.

Further misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (1), the label failed to bear the common or usual name of the drug in the English language.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1786. Misbranding of Yogurt Culture. U. S. v. 141 Cartons of Yogurt Culture, and a number of circulars and leaflets. Default decree of condemnation and destruction. (F. D. C. No. 15373. Sample No. 28617–H.)

LIBEL FILED: April 24, 1945, Western District of Washington.

ALLEGED SHIPMENT: By the International Yogurt Co., from Los Angeles, Calif. The *Yogurt Culture* and some of the leaflets were shipped on or about February 16, 1945; the circulars were shipped on or about February 14, 1945; and the remainder of the leaflets were shipped at some time prior to the shipment of the merchandise.

PRODUCT: 141 cartons of *Yogurt Culture*, a number of leaflets entitled "Keep Young," and a number of circulars entitled "The Secret of Youth," at Seattle, Wash.

Examination disclosed that the product was a culture of viable lactobacilli.

LABEL, IN PART: (Cartons) "Rosell Institute's Original Yogurt Culture."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the cartons and in the leaflets and circulars were false and misleading since they represented and suggested that use of the article would be effective to enable one to keep young, to attain to an old age, and to add years to one's life; and that its use would combat excessive intestinal putrefaction, prevent the growth of harmful putrefactive bacteria, be of benefit in many types of gastrointestinal disturbances, and promote beauty. The article would not be efficacious for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product and the stock of leaflets and circulars were ordered destroyed.

1787. Misbranding of Red Rooster Pills. U. S. v. 52 Boxes of Red Rooster Pills. Default decree of condemnation and destruction. (F. D. C. No. 16107. Sample No. 4068–H.)

LIBEL FILED: May 3, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 14, 1945, by the Pep Co., from Norfolk, Va.

PRODUCT: 52 boxes of *Red Rooster Pills* at Philadelphia, Pa. Examination showed that the product had the composition stated on its label.

LABEL, IN PART: "Red Rooster World Famous Red Pills The Pep Co. 824 Main St. Norfolk, Va. Each pill contains Strychnine Sulfate 1–50 gr., Yohimbine Hydrochloride 1–12 gr., Orchic Substance 1–10 gr., Avenin 1 gr., P. E. Damiana 1–20 gr., Zinc Phosphide 1–10 gr. * * * Victor Edison Perry."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements, "World Famous * * * The Pep Co. * * * Don't Expect Wonders from trial sample 25 pills $1 Get 175 Pills Only $5," were false and misleading since they implied that the article was world famous and would restore pep. The article was not world famous, and it would not restore pep.

Further misbranding, Section 502 (c), the common or usual names of the active ingredients, as required by law, did not appear on the label in such terms as to render them likely to be understood by the ordinary individual, since no distinction had been made in the list of ingredients between those which were active and those which were inert, such as orchic substance and avenin.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1788. Misbranding of Old Hickory Ointment. U. S. v. 69 Jars of Old Hickory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 16640. Sample Nos. 555–H, 556–H.)

LIBEL FILED: June 28, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 25, 1944, and April 16, 1945, by the Old Hickory Medicine Co., from Chattanooga, Tenn.

PRODUCT: 22 1¼-ounce jars and 47 ½-ounce jars of *Old Hickory Ointment* at Atlanta, Ga. Examination showed that the product consisted essentially of zinc oxide, salicylic acid, calomel, carbolic acid, camphor, menthol, and petrolatum.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Acne, Barber's Itch, Tetter, * * * Eczema, Scabies, * * * Psoriasis, * * * Poison Ivy, Poison Oak," were false and misleading since the product would not be effective in the treatment of the conditions named; and (½-ounce size only), Section 502 (e), the product was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, present in it.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1789. Misbranding of Vita-Fluff Dandruff Remover. U. S. v. 40 Packages and 13 packages of Vita-Fluff Dandruff Remover. Default decree of forfeiture and destruction. (F. D. C. No. 16438. Sample Nos. 13423–H, 13424–H.)

LIBEL FILED: June 13, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 21, 1945, by Duon, from Dayton, Ohio.

PRODUCT: 40 1-gallon packages and 13 21-ounce packages of *Vita-Fluff Dandruff Remover* at Indianapolis, Ind. Examination showed that the product consisted essentially of water, a detergent of the sodium alkyl sulfate type, and mercuric chloride.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the label and in an accompanying bulletin were false and misleading since the article was not healing and it would not be effective in the eradication of dandruff: (Label) "Created especially to eradicate dandruff * * * Healing"; (bulletin) "Vita Fluff Dandruff Remover will give you such satisfactory results * * * after more than six years of laboratory, practical, and actual tests in the eradication and control of dandruff, seborrhea, seborrheic dermatitus, pityriasis simplex, etc. * * * actually dandruff is due to an internal imbalance of fatty secretions, which combine on the scalp. We have never found any evidence of dandruff being contagious or infectious * * * penetrate the oily surface of the scalp * * * at the same time carrying

with it corrective and healing properties * * * the occasional use of Vita Fluff Dandruff Remover will maintain a healthy scalp indefinitely."

Further misbranding, Section 502 (e), the label of the article failed to bear the common or usual name of each active ingredient and the quantity or proportion of mercuric chloride.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

1790. Misbranding of mineral tablets and vitamin B complex tablets. U. S. v. 11¾ Cases of Mineral Tablets and 38 Bottles of Vitamin B Complex Tablets, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No 16638. Sample Nos. 27913–H, 27914–H.)

LIBEL FILED: June 25, 1945, District of Oregon.

ALLEGED SHIPMENT: By Nature's Minerals Co., from Indianapolis, Ind. The articles were shipped on or about March 14, 1945, and the circulars were shipped during the year 1943.

PRODUCT: 11¾ cases, each full case containing 12 270-tablet bottles, of *mineral tablets*; 38 bottles of vitamin B complex tablets; and a number of accompanying circulars entitled "Nature's Minerals" and "High Potency Vitamin B Complex," at Portland, Oreg.

Analysis of the *mineral tablets* showed that they consisted of calcium, magnesium, iron, and sodium compounds, including phosphates, carbonates, sulfates, and chlorides, sulfur, and a small proportion of an iodide. Analysis of the *vitamin B complex* tablets showed that the product would supply the ingredients declared on the label.

LABEL, IN PART: "Nature's M. F. Co's Minerals," and "High Potency Vitamin B Complex * * * Each Tablet contains the minimum adult daily requirements of vitamin B–1; ¼ that of B–2; ⅜ that of Iron. The two tablets containing 10 mg. Nicotinic Acid and Riboflavin 0.10 mgms."

NATURE OF CHARGE: *Mineral Tablets.* Misbranding, Section 502 (a), certain statements in the circular entitled "Nature's Minerals" were false and misleading since they represented and suggested that the article would be effective in promoting health, in correcting basic disorders, and in relieving various ailments such as pounding headaches, dizziness, sick feelings, pains in the hips, shoulders, back, and legs, stomach ache, gas, acid in the blood, lack of pep and manly strength and vigor, nerve strain, lack of energy, loss of vitality, enthusiasm, stamina, and powers of endurance, blues, melancholia, poor circulation, inability to concentrate, and irritability. The article would not be effective to fulfill the promises of benefit and to accomplish the results claimed for it.

Vitamin B complex tablets. Misbranding, Section 502 (a), the label statement, "High Potency Vitamin B Complex," was false and misleading as applied to an article which would supply only the minimum adult daily requirement of vitamin B_1 and smaller proportions of other vitamins in the B complex; and certain statements in the circular entitled "High Potency Vitamin B Complex" were false and misleading since they represented and suggested that the article would be effective in preventing or overcoming general vitamin deficiencies and in improving health. The article would not be effective for such purposes.

The *Vitamin B complex tablets* were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the products and circulars were ordered destroyed.

1791. Misbranding of Hi-Lo Vitamin and Mineral Tablets. U. S. v. 41 Bottles of Hi-Lo Vitamin and Mineral Tablets, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16639. Sample No. 29574–H.)

LIBEL FILED: June 25, 1945, Northern District of California.

ALLEGED SHIPMENT: By Hi-Lo Products, from St. Louis, Mo. The tablets were shipped on or about July 12, 1944, and February 13, 1945, and the printed matter was shipped on or about May 22, 1944.

PRODUCT: 24 32-tablet bottles, 5 100-tablet bottles, and 12 300-tablet bottles of *Hi-Lo Vitamin and Mineral Tablets* at San Francisco, Calif., together with 4,000 circulars entitled "Why Run Around in Circles Trying to Get All the

Vitamins Needed," and a window display poster entitled "Vitamins and Minerals are Foods."

LABEL, IN PART: "Hi-Lo Essential Vitamins Essential Minerals * * * Four (4) Tablets * * * Contains: Vitamins A (Natural Vitamin A in Oil) 5000 U. S. P. Units B_1 (Thiamin) 800 U. S. P. Units B_2 (G_2) (Riboflavin) 2 Milligrams B_6 (Pyridoxine) 0.336 Milligrams P-P (Niacin) 10 Milligrams Calcium Pantothenate 11 Milligrams C (Ascorbic Acid) 600 U. S. P. Units D (Viosterol) 500 U. S. P. Units E (Wheat Germ Oil) 10 Milligrams * * * Minerals Calcium (As Calcium Carbonate and Phosphate) 750 milligrams Phosphorus (as Calcium Phosphate) 750 Milligrams Iron (As Reduced Iron) 20 Milligrams Iodine (As Potassium Iodide) 0.1 Milligrams Also, Trace Mineral Elements 62.6 Milligrams."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article, on the window display poster, and in the circulars were false and misleading since they represented and suggested that the article would be effective to promote proper functioning or development of the eyes, teeth, parathyroid, heart, pancreas, intestines, reproductive organs, joints, bones, sinus, ears, hair, liver, adrenals, nerves, nails, ligaments, and veins; that it would improve the complexion; that it would be effective to prevent and treat colds and to promote normal digestion; and that it would be effective to provide nutritionally significant amounts of 10 vitamins and 12 other factors of the vitamin B complex and 34 essential minerals. The article would not be effective for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1792. Misbranding of estrogenic substance. U. S. v. 1,153 Vials of Estrogenic Substance. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16475 Sample Nos. 31426–H, 31444–H.)

LIBEL FILED: June 15, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 26 and on other dates subsequent to January 1, 1945, by the Carroll Dunham Smith Pharmacal Co., from Orange, N. J.

PRODUCT: 1,153 vials, in individual cartons, of *estrogenic substance* at Los Angeles, Calif. Examination showed that the product was an oil solution of estrogenic material consisting essentially of estradiol, with an insignificant proportion, if any, of estrone, which is the principal estrogenic hormone occurring in natural sources such as pregnant mares' urine.

LABEL, IN PART: "Estrusol Estrogenic Substance Smith 10,000 [or "20,000," or "2,000"] I. U. per cc."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements on the vials, "from pregnant mares' urine. Contains principally Estrone and Estradiol," and on the individual cartons, "Natural Estrogenic Substances (principally Estrone and Estradiol) from pregnant mares' urine," or "Natural occurring estrogenic substances derived from pregnant mares' urine and containing principally estrone and estradiol," were false and misleading since the estrogenic material present did not consist of natural estrogenic substance as derived from pregnant mares' urine.

DISPOSITION: August 7, 1945, The Carroll Dunham Smith Pharmacal Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1793. Misbranding of estrogenic material. U. S. v. 8 Vials of Estrogenic Material. Default decree of condemnation and destruction. (F. D. C. No. 16435. Sample No. 31428–H.)

LIBEL FILED: June 11, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 2, 1945, from Philadelphia, Pa., by the Associated Ross-Good Laboratories, Inc.

PRODUCT: 8 vials of *estrogenic material* at Hollywood, Calif. Examination showed that the product was an oil solution containing estrogenic substances consisting essentially of estradiol, with an insignificant proportion, if any, of estrone or other estrogenic factors of pregnant mares' urine.

LABEL, IN PART: "25 cc. Sterile Solution Estrogenic Material in Oil 30,000 [or "10,000," or "50,000"] Int. Units per cc."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "This Estrogenic Material Contains Estrodial, Estrone and other Estrogenic factors of Pregnant Mares Urine," was false and misleading as applied to the article.

DISPOSITION: October 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1794. Misbranding of Estrol. U. S. v. 78 Cartons of Estrol. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No 16419. Sample No. 16256–H.)

LIBEL FILED: June 13, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 26, 1945, from New York, N. Y., by the C. F. Kirk Co.

PRODUCT: 78 cartons, each containing 1 vial, of *Estrol* at Chicago, Ill. Examination showed that the product was an oil solution containing estrogenic substances consisting essentially of estradiol, with no significant proportion of estrone, which is the principal estrogenic hormone occurring in natural sources such as equine urine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the vial label, "Natural Estrogen obtained from Equine Urine," and on the carton label, "Estrogenic Hormones obtained from Equine Urine," were false and misleading since the estrogenic material present in the article did not consist of natural estrogenic substance as derived from equine urine.

DISPOSITION: July 2, 1945. The Gamma Pharmaceutical Co., Chicago, Ill., claimant, having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1795. Misbranding of estrogen in peanut oil. U. S. v. 53 Vials of Estrogen in Peanut Oil. Default decree of condemnation and destruction. (F. D. C. No. 16099. Sample No. 16216–H.)

LIBEL FILED: May 23, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 1945, by the Pro-Medico Laboratories, Inc., from Brooklyn, N. Y.

PRODUCT: 53 vials of *estrogen in peanut oil*, at Chicago, Ill. Examination showed that the product was an oil solution of estrogenic material consisting essentially of estradiol, with no significant proportion of estrone, the principal estrogenic hormone in prenatal mares' urine. There were no labels upon the immediate containers, the glass vials, as they were shipped, and there was no agreement between the shipper and the consignee with respect to labeling the vials.

LABEL, IN PART: (Cartons) Gynestrin 30 cc size * * * A sterile oil solution of di-hydro derivatives of estrogenic substances and estrogene substance derived from equine urine."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement on the carton, "A sterile oil solution of di-hydro derivatives of estrogenic substances and estrogene substance derived from equine urine," was false and misleading since the estrogenic material present did not consist of estrogenic material as extracted from equine urine; Section 502 (b) (1), the product was a drug in package form and the individual vials failed to bear a label stating the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the labels failed to bear an accurate statement of the quantity of the contents of the vials in terms of measure; and, Section 502 (e), the article was a drug fabricated from two or more ingredients, but its label failed to bear the common or usual name of each active ingredient, since the carton label did not bear the name "estradiol," which is the common or usual name of the principal active ingredient of the article, and the vials had no label whatever.

DISPOSITION: September 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1796. Misbranding of infrared bulbs. U. S. v. 11 Packages of Infrared Bulbs, and 11 circulars. Default decree of condemnation and destruction. (F. D. C. No. 16476. Sample No. 12994–H.)

LIBEL FILED: June 20, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 12, 1945, by the U. S. Medical Specialty Co., from Minneapolis, Minn.

PRODUCT: 11 packages, each containing an *infrared bulb*, and 11 circulars entitled "A New Scientific Development," at Cincinnati, Ohio. The circulars were enclosed in the shipping carton containing the packages of bulbs. Examination showed that the product was a device consisting of a ruby glass electric bulb, partially silvered on the inside and designed to produce heat.

LABEL, IN PART: (Packages) "375 Watt 120 Volt Mis–35–N. Ruby Ins. Silvered Medium Base," and "U. S. C. O. Reflector Infra-Red Bulb."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the circulars were false and misleading since they represented and suggested that the product would be an adequate treatment for the conditions stated and implied, whereas the only therapeutic function of the article would be the production of heat, and heat does not constitute an adequate treatment for those conditions: "If you are suffering from any of the following ailments, we suggest you consult your doctor about using infra-red rays for relief. Prostatic Troubles Sprains * * * Sinus trouble Neuralgia Rheumatism Lumbago Neuritis Pleurisy Pneumonia Tonsillitis Influenza Arthritis Bronchitis Catarrh Asthma Fractures Womens ailments Deafness Ear Trouble Skin Diseases Torticollis Boils when open Cholecystitis Endocarditis Low red blood count To Raise Lowered Vitality To Improve Nervous System To Relieve Pain To Improve Circulation To Promote Absorption of Exudate To Increase Red Blood Count And many others * * * For superficial conditions, such as infections, acute inflammations * * * deep-seated lesions * * * For general systematic treatment * * * tends to induce active circulation."

Further misbranding, Section 502 (b) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the circulars, was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF OMISSION OF, OR UNSATISFACTORY, INGREDIENTS STATEMENTS*

1797. Misbranding of estrogenic substance in oil. U. S. v. 5 Bottles of Estrogenic Substance in Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16444. Sample No. 17634–H.)

LIBEL FILED: June 16, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about April 19, 1945, by the Hormorgano Corporation, from Jamaica, N. Y.

PRODUCT: 5 12½-liter bottles of *estrogenic substance in oil* at Detroit, Mich.

LABEL, IN PART: "Estrogenic Substance in Corn Oil."

NATURE OF CHARGE: Misbranding, Section 502 (e), the label of the product failed to bear the common or usual name of each active ingredient since the label designation, "Estrogenic Substance," is not the specific name of any particular substance but is a generic name for a class of substances.

DISPOSITION: September 7, 1945. The Hormorgano Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

1798. Misbranding of estrogenic substance. U. S. v. 10 Vials and 15 Vials of Estrogenic Substance. Default decrees of condemnation and destruction. (F. D. C. Nos. 16202, 16287. Sample Nos. 4237–H, 16540–H.)

LIBELS FILED: May 23 and 29, 1945, Eastern District of Pennsylvania and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of January 23 and May 15, 1945, by the Metropolitan Laboratories, Inc., from New York, N. Y.

PRODUCT: 10 vials of *estrogenic substance* at Reading, Pa., and 15 vials of *estrogenic substance* at Chicago, Ill.

*See also Nos. 1755, 1757, 1761, 1768, 1782, 1785, 1788, 1789, 1795.

LABEL, IN PART: "30 cc Vial Met-Estrin (Estrogenic Substance) 10,000 Int. Units in each 1 cc in a light vegetable oil."

NATURE OF CHARGE: Misbranding, Section 502 (e), the label of the article failed to bear the common or usual name of each active ingredient since the designation "Estrogenic Substance" is not the specific name of any particular substance but is a generic name for a class of substances.

DISPOSITION: October 2, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR A LABEL CONTAINING AN ACCURATE STATEMENT OF THE QUANTITY OF THE CONTENTS*

1799. Misbranding of Syrup Colana with Dionin. U. S. v. 33 Boxes of Syrup Colana with Dionin. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14877. Sample No. 88628–F.)

LIBEL FILED: December 29, 1944, District of Maine.

ALLEGED SHIPMENT: On or about August 8 and 17, 1944, by Brewer and Co., Inc., from Worcester, Mass.

PRODUCT: 33 boxes, each containing 12 2-ounce bottles, of *Syrup Colana with Dionin* at Portland, Maine. Examination showed that the product was short volume.

LABEL, IN PART: "2 Fluid Ounces Syrup Colana with Dionin."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 1, 1945. Brewer and Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1800. Misbranding of rubbing compound. U. S. v. 137 Cartons of Rubbing Compound. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16758. Sample Nos. 27921–H, 27922–H.)

LIBEL FILED: On or about July 3, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about February 20, 1945, by the Sapo Elixir Chemical Co., from St. Louis, Mo.

PRODUCT: 137 cartons, each containing 24 bottles, of *rubbing compound* at Portland, Oreg. The product was short volume.

LABEL, IN PART: "One Pint Kelwa Rubbing Massage Compound 70% Absolute Isopropyl Alcohol."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 25, 1945. Fred Meyer, Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the bottles be satisfactorily refilled under the supervision of the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. Nos. 1751 TO 1800

PRODUCTS

*See also Nos. 1754, 1755, 1761, 1773, 1785, 1795.

[1] Seizure contested.

[2] Permanent injunction issued.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] Seizure contested.
[2] Permanent injunction issued.

[1] Seizure contested.

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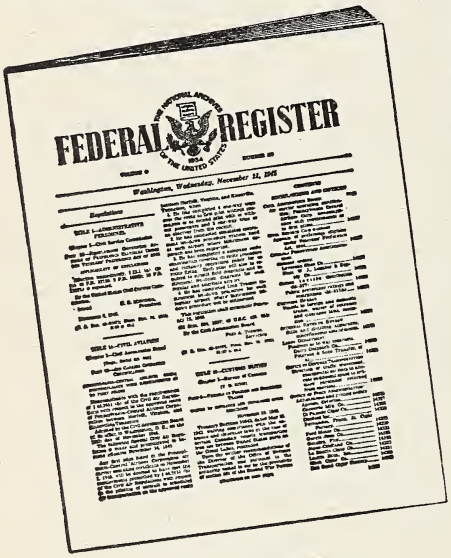

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FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1801–1850

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *December 6, 1946.*

CONTENTS*

DRUG ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1801. Misbranding of Re-Sude-Oids. U. S. v. American Medicinal Products, Inc., and Ernest G. Rurup. Pleas of nolo contendere. Corporation fined $251; individual fined $1 and sentenced to 10 days in jail. The jail sentence was suspended and the individual placed on probation. (F. D. C. No. 12528. Sample Nos. 14456–F, 42658–F.)

INFORMATION FILED: October 2, 1944, Southern District of California, against the American Medicinal Products, Inc., Los Angeles, Calif., and Ernest G. Rurup, general manager. The defendants were charged with giving a false guaranty. The guaranty was given to McKesson & Robbins, Inc., New York, N. Y., on or about May 22, 1942. It provided that the article comprising each shipment or delivery made by the defendants to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about March 29, 1943, the defendants sold and delivered to McKesson & Robbins at Los Angeles, Calif., a quantity of *Re-Sude-Oids* which

*For drugs actionable because of deceptive packaging, see No. 1801; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 1802, 1805, 1809, 1832, 1844; omission of, or unsatisfactory, ingredients statements, Nos. 1802–1809; presence of a habit-forming narcotic without warning statement, Nos. 1803, 1804; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 1809, 1844; cosmetics, subject to the drug provisions of the Act, No. 1841.

was shipped on or about April 12, 1943, by McKesson & Robbins, Inc., from the State of California into the State of Arizona.

In addition, it was charged that the defendants themselves shipped, on or about May 11, 1943, a quantity of *Re-Sude-Oids* from the State of California into the State of Oregon.

PRODUCT: Analysis showed that the product was composed essentially of inorganic and organic compounds of iodine, together with phenolphthalein, lactose, and dried animal tissue. The capsules in the two shipments contained, per capsule, an average of approximately ½ grain and 0.68 grain, respectively, of thyroid and an average of 1/50 grain and 1/48 grain of phenolphthalein.

LABEL, IN PART: "Re-Sude-Oids Capsules * * * Slight Change in Spelling the Name of this Product Same Formula * * * Thyroid ½ Grain Per Capsule Whole Pituitary Ovarian Extract Potassium Iodide Phenolphthalein."

NATURE OF CHARGE: Misbranding, Section 502 (j), the product would be dangerous to health when used in the dosage and with the frequency and duration prescribed in the following labeling: (Carton, bottle, and circular entitled "Re-Sude-Oids Capsules Method") "Take one capsule daily for six days, then one capsule twice [or "2 times"] a day for six days, then one capsule three times a day with all following bottles." The capsules of a portion of the product contained 0.68 grain and those in the remainder contained ½ grain of thyroid, which would render the use of the drug dangerous when consumed as directed.

Misbranding, Section 502 (a), the labeling was false and misleading since it represented that the product was a safe, appropriate, and effective remedy for obesity due to hypothyroidism caused chiefly by the deficient action of the thyroid gland and, sometimes, the pituitary and ovarian glands. The product was unsafe, dangerous, inappropriate, and ineffective as a treatment for such conditions. Further misbranding, Section 502 (a), the statement "Thyroid ½ Grain" was false and misleading with respect to the portion of the product that contained 0.68 grain of thyroid per capsule. Further misbranding, Section 502 (a), the labeling was misleading since it failed to reveal the fact that the amount of phenolphthalein in each capsule was too small to exert any material laxative action.

Misbranding, Section 502 (i) (1), the containers were so made, formed, and filled as to be misleading, since the bottles were filled to only 59.1 percent of their capacity and they occupied only 47.6 percent of the capacity of the cartons.

The information also charged the defendants with having shipped a misbranded food in interstate commerce, as reported in notices of judgment on foods.

DISPOSITION: May 14, 1945. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined $251, and the individual defendant was fined $1 and sentenced to 10 days in jail. The jail sentence was suspended and the individual was placed on probation until October 9, 1945, on condition that future sales of the product be made under labels which had been submitted by the defendants and approved by the court.

NEW DRUGS SHIPPED WITHOUT EFFECTIVE APPLICATION

1802. Adulteration and misbranding of Sulfa-Sino and Sulfa-Rub, and misbranding of Sulfa-Zema. U. S. v. Samuel R. Myerson (Sulfa-Septic Products). Plea of guilty. Fine, $1,000 and probation for 1 year. (F. D. C. No. 16543. Sample Nos. 61831-F to 61833-F, incl., 66962-F.)

INFORMATION FILED: November 14, 1945, Western District of Missouri, against Samuel R. Myerson, trading as Sulfa-Septic Products, Kansas City, Mo.

ALLEGED SHIPMENT: On or about April 29 and September 27, 1944, from the State of Missouri into the States of Texas and Kansas; two lots of *Sulfa-Sino* and one lot each of *Sulfa-Zema* and *Sulfa-Rub*.

PRODUCT: Analysis of a sample from one shipment of the *Sulfa-Sino* showed that it contained approximately 3 percent of sodium sulfathiazole. Qualitative analysis of a sample from the other shipment of the same product disclosed the presence of sulfathiazole, but the amount was not determined. Analysis showed that the *Sulfa-Zema* contained approximately 2.9 percent of sodium sulfathiazole in an ointment base; and that the *Sulfa-Rub* contained not more than 1.45 percent of sodium sulfathiazole and 95 percent of isopropyl alcohol.

NATURE OF CHARGE: *Sulfa-Sino.* Adulteration, Section 501 (c), the strength of one shipment of the article differed from that which it purported and was represented to possess, since it was represented to contain 1 percent of ephedrine, whereas it contained no ephedrine. Misbranding, Section 502 (a), the name of the article and the statement on the label, "For the treatment of sinus infection and head colds," were false and misleading since they represented and suggested that the article would be efficacious in the treatment of sinus infection and head colds. The article would not be efficacious for such purposes. Further misbranding, Section 502 (f) (2), the labeling failed to bear a warning that use of the article should be discontinued if a general skin rash appeared or if the patient developed a fever or any other indication of illness, and it failed to warn that the article might sensitize its user to sulfonamides so as to preclude their subsequent use, including their use in serious disease conditions; and, Section 502 (b) (2), one shipment of the article bore no label containing a statement of the quantity of the contents.

Sulfa-Zema. Misbranding, Section 502 (a), the name of the article and the statement on the label, "For treatment of Eczema, Psoriasis and other skin diseases," were false and misleading since they represented and suggested that the article would constitute an adequate treatment for eczema, psoriasis, and other skin diseases. The article would not constitute an adequate treatment for such conditions. Further misbranding, Section 502 (f) (2), the labeling failed to bear a warning that use of the article should be discontinued if the skin condition under treatment became worse, if a new rash appeared, or if the patient developed a fever or any other indication of illness, and it failed to warn that the article might sensitize its user to sulfonamides.

Sulfa-Rub. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was represented to contain 3 percent of sulfathiazole sodium, whereas it contained not more than 1.45 percent of sulfathiazole sodium. Misbranding, Section 502 (a), the statements on the label, "For the treatment of * * * scalp infections * * * then use once weekly to keep hair and scalp clean and healthy," were false and misleading since they represented and created the impression that the article would be efficacious in the treatment of all scalp infections, and that use of the article once weekly would keep the hair and scalp clean and healthy. The article would not be efficacious for such purposes. Further misbranding, Section 502 (b) (2), the bottle containing the article bore no label containing a statement of the quantity of the contents; Section 502 (e) (2), the label failed to state the quantity, kind, and proportion of alcohol present in the article; and, Section 502 (f) (2), the labeling failed to bear a warning that use of the article should be discontinued if the skin condition under treatment became worse, if a general skin rash appeared, or if the patient developed a fever or any other indication of illness, and it failed to warn that the article might sensitize its user to sulfonamides.

Further misbranding, Section 505, the *Sulfa-Zema* and the *Sulfa-Rub* were new drugs which should not have been introduced into interstate commerce since they were not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions recommended and suggested in their labeling; and no application had been filed, pursuant to the law, with respect to the articles.

DISPOSITION: December 3, 1945. The defendant having entered a plea of guilty, the court imposed a fine of $500 on count 1, $250 on count 2, and $250 on count 7. Sentence was suspended on counts 3, 4, 5, and 6, and the defendant was placed on probation for 1 year.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1803. Misbranding of Seconal Sodium Capsules and Luminal Tablets. U. S. v. Marvin J. Jones, also known as Morgan Jones (Lewis Drug Store). Plea of guilty. Fine, $1,200. (F. D. C. No. 15523. Sample Nos. 90602–F, 90604–F to 90606–F, incl., 90608–F, 90611–F to 90613–F, incl.)

INFORMATION FILED: May 11, 1945, Southern District of Ohio, against Marvin J. Jones, also known as Morgan Jones, trading as the Lewis Drug Store, Jackson, Ohio.

*See also No. 1802.

INTERSTATE SHIPMENT: Between the approximate dates of March 29 and July 25, 1944, from Indianapolis, Ind., and Chicago, Ill.; a number of bottles containing *Seconal Sodium Capsules* and *Luminal Tablets*.

LABEL, IN PART: (Bottle, when shipped) "5000 Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) (Sodium Propyl-methyl-carbinyl Allyl Barbiturate, Lilly) Warning—May be habit forming Not For Intravenous Use Caution—To be used only by or on the prescription of a physician," or "50 Tablets Luminal Brand of Phenobarbital Warning—May Be Habit Forming Caution: To be used only by or on the prescription of a physician, dentist, or veterinarian."

NATURE OF CHARGE: That between August 25 and September 17, 1944, while they were being held for sale at the Lewis Drug Store, a number of *Seconal Sodium Capsules* were removed from the bottles in which they had been shipped and were repacked into smaller bottles bearing substantially the same labels; and that on or about September 16 and 17, 1944, the defendant removed a number of the capsules from the smaller bottles, repacked them in unlabeled envelopes, and sold them without a prescription. The information also charged that on or about September 17, 1944, the defendant removed a quantity of tablets from the bottle labeled "Tablets Luminal," repacked them into an unlabeled box, and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drugs in the following respects: Section 502 (d), the drugs contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and their labels failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (f) (1) (2), the envelope and the box containing the drugs bore no labeling containing directions for use, and they bore no labeling containing warnings against use in those pathological conditions wherein the use of drugs might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (e), the envelopes and the box containing the *Seconal Capsules* and the *Luminal Tablets*, respectively, failed to bear labels containing the common or usual names of the drugs, "Seconal" and "phenobarbital," respectively.

DISPOSITION: May 21, 1945. A plea of guilty having been entered, the court imposed a fine of $150 on each of the 8 counts of the information.

1804. Misbranding of Seconal Sodium Capsules and Luminal Tablets. U. S. v. John Edward Jones, also known as Jay Jones. Plea of guilty. Fine, $300. (F. D. C. No. 15524. Sample Nos. 90601–F, 90603–F, 90611–F.)

INFORMATION FILED: May 11, 1945, Southern District of Ohio, against John Edward Jones, also known as Jay Jones, Jackson, Ohio.

INTERSTATE SHIPMENT: Between the approximate dates of March 29 and July 25, 1944, from Indianapolis, Ind., and Chicago, Ill.; a number of bottles containing *Seconal Sodium Capsules* and *Luminal Tablets*.

LABEL, IN PART: (Bottle, when shipped) "5000 Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) (Sodium Propyl-methyl-carbinyl Allyl Barbiturate, Lilly) Warning—May be habit forming Not For Intravenous Use Caution—To be used only by or on the prescription of a physician," or "50 Tablets Luminal Brand of Phenobarbital Warning—May Be Habit Forming Caution: To be used only by or on the prescription of a physician, dentist, or veterinarian."

NATURE OF CHARGE: That between the dates of August 25 and September 16, 1944, while they were being held for sale at the Lewis Drug Store, a number of the *Seconal Sodium Capsules* were removed from the bottles in which they had been shipped and were repacked in smaller bottles bearing substantially the same labels; and that on or about September 16, 1944, the defendant removed a number of the capsules from the smaller bottles, repacked them in unlabeled envelopes, and sold them without a prescription. The information also charged that on or about September 16, 1944, the defendant removed a quantity of tablets from the bottle labeled "Tablets Luminal," repacked them into a box unlabeled except for the words "Luminal 1½ gr.," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drugs in the following respects: Section 502 (d), the drugs contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and their labels failed to bear the name and quantity or proportion of such derivative and, in

juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (f) (1), (2), the envelopes containing the drugs bore no labeling containing directions for use and they bore no labeling containing warnings against use in those pathological conditions wherein the use of the drugs might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (e), the envelopes containing the *Seconal Capsules* failed to bear labels containing the common or usual name of the drug, "Seconal."

DISPOSITION: May 21, 1945. A plea of guilty having been entered, the court imposed a fine of $100 on each of the 3 counts of the information.

1805. Misbranding of Laken's 9 Drops. U. S. v. 26 Boxes of Laken's 9 Drops Capsules and 22 Combination Packages of Laken's 9 Drops Capsules and Liquid. Default decree of condemnation and destruction. (F. D. C. No. 16704. Sample No. 4814–H.)

LIBEL FILED: On or about July 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 1, 1945, by the Marshall Drug Co., from Philadelphia, Pa.

PRODUCT: 26 boxes of *Laken's 9 Drops Capsules* and 22 combination packages, each containing a box of the capsules and a carton containing 1 bottle of *Laken's 9 Drops Brand Liquid*, at Paulsboro, N. J.

Examination showed that each capsule consisted essentially of aspirin 3.4 grains, acetophenetidin 2.5 grains, and caffeine citrate 1 grain; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid. The labels bore no statement of the quantity of the contents.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in an accompanying circular were false and misleading in that they represented and suggested that the articles, alone or in combination, would be effective in the treatment of rheumatism, lumbago, arthritis, backaches, muscular aches and pains due to rheumatism, swollen joints, and stiff joints; that they would be effective as an analgesic and uric acid solvent; that they would get at the main cause of so-called rheumatism; and that they would be effective in the treatment of the suffering and discomfort associated with common colds. The articles, alone or in combination, would not be effective for such purposes. Further misbranding, Section 502 (b) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (e) (2), the label of the capsules failed to bear a statement of the quantity or proportion of acetophenetidin contained therein; and, Section 502 (f) (2), the labeling of the capsules failed to warn that frequent or continued use might be dangerous, causing serious blood disturbances, and that not more than the recommended dose should be taken.

DISPOSITION: August 24, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1806. Misbranding of Testogenol Tablets. U. S. v. 67 Bottles of Testogenol Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16684. Sample No. 24514–H.)

LIBEL FILED: July 7, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 19, 1945, by the T-Lax Products Co., from Birmingham, Ala.

PRODUCT: 67 bottles of *Testogenol Tablets* at New Orleans, La. Examination showed that the article had essentially the composition claimed on the label.

LABEL, IN PART: "Testogenol 100 Tablets Indicated in Functional Impotence of Neurasthenic Origin * * * Each Tablet Contains: Vitamin B_1 . . . 666 U. S. P. Units Yohimbin Hydrochloride . . . 0.0005 Gram Orchic Substance . . . 0.05 Gram Calcium Glycerophosphate . . . 0.15 Gram Sodium Glycerophosphate . . . 0.15 Gram Extract Nux Vomica . . . 0.03 Gram Directions—Take 2 to 3 Tablets Depending Upon Age and Severity of Case or as Directed by the Physician. Warning—Do not exceed recommended dosage. When desired effect is reached discontinue use. If symptoms do not improve consult physician. Not for children."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Indicated in Functional Impotence of Neurasthenic Origin * * * Take 2 or 3 Tablets Depending upon Age and Severity of Case," were false and misleading since the article was not effective for impotence. Further misbrand-

ing, Section 502 (a), the label statement, "Each Tablet Contains * * * Orchic Substance . . . 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e), the product was fabricated from two or more ingredients, and its label failed to bear a statement of the quantity or proportion of strychnine contained in the product; and, Section 502 (f) (2), the label failed to bear adequate warnings against use of the article in those pathological conditions wherein its use may be dangerous to health, and against unsafe duration of administration, since the label failed to warn that, in view of the yohimbine hydrochloride present, it should not be taken by those suffering from heart disease, high blood pressure, or kidney disease; the label also failed to warn that an article containing nux vomica may be dangerous, especially when used by elderly persons; and it also failed to warn that use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1807. Misbranding of Testox Tablets. U. S. v. 129 Bottles and 142 Bottles of Testox Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16650. Sample No. 456-H.)

LIBEL FILED: June 28, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 2, 1945, by the Veltex Co., from Birmingham, Ala.

PRODUCT: 129 20-tablet bottles and 142 100-tablet bottles of *Textox Tablets* at Atlanta, Ga. Examination of samples showed that the product had the composition declared upon its label.

LABEL, IN PART: "Textox 20 [or "100"] Tablets Distributed by Copy Boy Sales Co., * * * Atlanta 3, Ga. Each Tablet Contains: Vitamin B_1 . . . 666 U. S. P. Units Yohimbin Hydrochloride . . . 0.0005 Gram Orchic Substance . . . 0.05 Gram Calcium Glycerophosphate . . . 0.15 Gram Sodium Glycerophosphate . . . 0.15 Gram Extract Nux Vomica . . . 0.03 Gram."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements created the false and misleading impression that the product would be effective as a sex restorer, whereas it would not be effective in producing such a result: "Textox * * * Directions—Take 2 to 3 Tablets depending upon age and severity of case * * * When desired effect is reached discontinue use"; and the label statement, "Each Tablet Contains * * * Orchic Substance . . . 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e) (2), the product was a drug fabricated from two or more ingredients, and its label failed to state the quantity of strychnine it contained; Section 502 (f) (2), the label of the product failed to warn that, in view of the presence of yohimbine hydrochloride in the product, it should not be taken by persons suffering from heart disease, high blood pressure, or kidney disease; and the label also failed to warn that an article containing nux vomica might be dangerous, especially when used by elderly persons, and that the use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1808. Misbranding of World's Bitter Tonic. U. S. v. 164 Cartons of World's Bitter Tonic A Laxative and Stomachic Medicine. Default decree of condemnation and destruction. (F. D. C. No. 17098. Sample No. 2782-H.)

LIBEL FILED: August 8, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about April 21 and June 26, 1945, by World's Medicine Co., from Columbus, Ohio.

PRODUCT: 164 cartons, each containing 1 bottle, of *World's Bitter Tonic* at Baltimore, Md. Analysis showed that the product consisted essentially of extracts of plant drugs, including laxative plant drugs, strychnine 0.0025 grain per fluid ounce, sugar, saccharin, an iron compound, salicylates, benzoates, alcohol, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label designation "Bitter Tonic" was false and misleading since, in order to derive benefit from a bitter tonic, it should be used regularly over an extended period, and the article, by reason of its laxative properties, was not suitable for such use; Section 502 (e) (2), the label failed to bear a statement of the quantity or proportion of strychnine in the article, since the label statement, "containing .038 grains of strychnine alkaloid per fluid oz.," was incorrect; Section 502 (f) (1), the article was represented as a stomachic, and the labeling failed to bear adequate directions for use as such; and, Section 502 (f) (2), the labeling failed to bear adequate warnings against unsafe methods or duration of administration of the article, since it failed to warn that, when taken frequently or continuously, as was provided by the directions, such use may result in dependence upon laxatives to move the bowels.

DISPOSITION: September 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1809. Misbranding of an unlabeled drug. U. S. v. 1,944 Bottles of an Unlabeled Drug. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16713. Sample No. 4166–H.)

LIBEL FILED: July 26, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 25, 1945, from Camden, N. J., by the Aid Laboratories.

PRODUCT: 1,944 unlabeled 3-ounce bottles of a drug consisting of a solution of epsom salt, iron chloride, a small proportion of a citrate, and a trace of quinine in glycerin and water, at Philadelphia, Pa.

NATURE OF CHARGE: Misbranding, Section 502 (b), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and it failed to bear an accurate statement of the quantity of the contents; Section 502 (e) (2), it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient; and, Section 502 (f), the article was essentially a laxative, and its labeling failed to bear any directions for use; and it also failed to warn that the article should not be taken in case of nausea, vomiting, abdominal pain, or other symptom of appendicitis, and that frequent or continued use of the article may result in dependence upon laxatives to move the bowels.

DISPOSITION: October 11, 1945. The Union Drug Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for labeling under the supervision of the Federal Security Agency.

1810. Misbranding of BF–1 Tablets. U. S. v. 598 Bottles and 16 Bottles of BF–1 Tablets, and 5,000 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16712. Sample Nos. 27842–H, 27843–H.)

LIBEL FILED: August 18, 1945, Western District of Washington.

ALLEGED SHIPMENT: Between the approximate dates of June 23, 1944, and April 2, 1945, by the Vegetrates Co., from Los Angeles, Calif.

PRODUCT: 598 100-tablet bottles and 16 450-tablet bottles of *BF–1 Tablets*, and 5,000 leaflets entitled "Vegetrates," at Seattle, Wash. Examination showed that the product consisted of ground plant material, including senna, alfalfa, starch, Irish moss, dulse, yeast, and parsley.

NATURE OF CHARGE: Misbranding, Section 502 (a), the words "Average Ration," borne on the bottle label, and certain statements in the leaflets, were misleading since they represented and suggested that the article was a food, whereas it was not a food, but a laxative drug; and the following statements in the leaflet were false and misleading since a senna laxative is not capable of producing the benefits claimed: "Use Vegetrates BF–1 and Live, Work, Play Every Day. Don't let restless nights spoil your tomorrows. That glorious feeling of waking up each morning ready to start the day with a song! No putting off appointments, turning down 'dates,' neglecting work because you are 'all in,' have a headache, or feel bad. You, too, can enjoy the sparkling, vibrant freshness each morning by being 'regular.' When that slightest feeling of heaviness, or that 'clogged up' feeling comes, try Vegetrates BF–1, used as directed on label."

Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against unsafe methods or duration of administration, since the warning appearing on the label, "do not use a laxative continuously as there is a possibility of it becoming habit forming," had been made

inadequate by the directions, "2 or 3 tablets morning and night," which provided for using a laxative continuously.

DISPOSITION: October 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the leaflets, was ordered destroyed.

1811. Misbranding of Sa-Vi-Ade. U. S. v. 500 Bottles of Sa-Vi-Ade, and 500 circulars. Default decree of condemnation and destruction. (F. D. C. No. 19081. Sample No. 2977–H.)

LIBEL FILED: February 1, 1946, District of Columbia.

PRODUCT: 500 bottles of *Sa-Vi-Ade*, held for sale at the G. C. Murphy Co., Washington, D. C., together with approximately 500 accompanying circulars entitled "Take your place in the Sun with Sa-Vi-Ade."

LABEL, IN PART: "Sa-Vi-Ade contains: Fish liver oil concentrates—Thiamin Hydrochloride—Riboflavin, Niacin, Calcium Pantothenate, Pyridoxine, Ascorbic Acid, Irradiated Yeast, Wheat Germ Oil, Soy Bean, Malt Extract, Brewer's Yeast, Dicalcium Phosphate, Iron Byhydrogen, Potassium Iodide, Copper, Zinc, Cobalt, Manganese and Magnesium Sulphates, Sodium Carbonate, Sulphur, Gum Karaya, Sugar and synthetic flavors with color added, Dextrose."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the circulars were false and misleading, since they represented and suggested that the article would be effective for imbuing the user with robust health; that common foods, such as fruits and vegetables, are not satisfactory sources of the vitamins and minerals essential in human nutrition; that leading authorities agree that 99 percent of the American people are deficient in minerals; that it is very difficult, if not impossible, to obtain adequate amounts of vitamins and minerals from common foods; and that it is important, if not absolutely necessary, to supplement the diet with a product such as *Sa-Vi-Ade* in order to prevent illness, disease, and impaired health. The article would not be effective for imbuing the user with robust health; common foods are satisfactory sources of vitamins and minerals essential in human nutrition; leading authorities do not agree that 99 percent of the American people are deficient in minerals; it is not impossible nor difficult to obtain adequate amounts of vitamins and minerals from a diet of common foods; and it is not ordinarily necessary or important to supplement the diet with a product such as *Sa-Vi-Ade* to prevent illness, disease, or impaired health.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of arthritis, neuritis, rheumatism, rheumatic fever, sickness, and tiredness; for preventing colds; for improving eyesight; for effecting normal elimination; and for overcoming 85 percent of human aches and pains, which are the diseases, symptoms, and conditions for which the article was offered in its advertising disseminated and sponsored by and on behalf of its manufacturer or packer.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1812. Misbranding of Williams Foot Balm. U. S. v. 492 Jars of Williams Foot Balm. Default decree of condemnation and destruction. (F. D. C. No. 19738. Sample No. 13344–H.)

LIBEL FILED: May 2, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 22, 1946, by the Newman Products Co., from Brooklyn, N. Y.

PRODUCT: 456 4-ounce jars and 36 12-ounce jars of *Williams Foot Balm* at Cincinnati, Ohio. Examination showed that the product consisted essentially of stearic acid, volatile oils, including methyl salicylate, and ¼ percent of borax.

The following statements were made by a representative of the shipper in a lecture given in promoting the sale of the product at Cincinnati, Ohio: "When pores are clogged with dead skin, the poison and acid cannot come out, but goes in and causes neuritis, or goes into the bones and causes arthritis. Don't be afraid to apply this Foot Balm any place—on the face, hands, etc."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the article failed to bear adequate directions for use for the prevention of neuritis and arthritis, which were the conditions for which the article was offered in its advertising sponsored by and on behalf of its packer.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

1813. Adulteration of asthma medicine. U. S. v. 24 Packages of Hart's Compound Asthma Medicine. Default decree of condemnation and destruction. (F. D. C. No. 16745. Sample No. 31453–H.)

LIBEL FILED: June 23, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 25, 1945, by Hart's Asthma Medicine Co., from Buffalo, N. Y.

PRODUCT: 24 packages, each containing 1 6-ounce bottle, of *Hart's Compound Asthma Medicine*, at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 501 (a), the product consisted in whole or in part of a filthy substance, a mold-containing liquid.

DISPOSITION: July 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1814. Adulteration of crude drugs. U. S. v. 1 Drum of Crude Drugs. Default decree of condemnation and destruction. (F. D. C. No. 16770. Sample No. 24457–H.)

LIBEL FILED: June 29, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 11, 1945, by Peek & Velsor, Inc., from Jersey City, N. J.

PRODUCT: 1 drum containing about 108 pounds of crude drugs at New Orleans, La.

LABEL, IN PART: "Special Medley B For Mfg. Use Only."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of live insects.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1815. Adulteration of Liv-Fer-B. U. S. v. Sutliff and Case Co., Inc. Plea of nolo contendere. Fine, $100 and costs. (F. D. C. No. 16535. Sample No. 72386–F.)

INFORMATION FILED: August 11, 1945, Southern District of Illinois, against the Sutliff and Case Co., Inc., Peoria, Ill.

ALLEGED SHIPMENT: On or about July 13, 1944, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Liv-Fer-B Compound * * * Each Fluidounce represents: * * * Thiamin Chloride (Vitamin B_1) . . . 1 mg."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from and its quality fell below that which it purported and was represented to possess, since it purported and was represented to contain 1 milligram of vitamin B_1 (thiamine chloride) per fluid ounce and it actually contained not more than 0.50 milligram.

The article was also alleged to be adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 27, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100 and costs.

1816. Adulteration and misbranding of Theradophilus. U. S. v. 178 Bottles of Theradophilus, and a number of display cards and booklets. Default decree of condemnation and destruction. (F. D. C. No. 12465. Sample Nos. 57880–F, 57881–F.)

LIBEL FILED: On or about May 12, 1944, District of Colorado.

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*See also Nos. 1802, 1849.

ALLEGED SHIPMENT: From Pasadena, Calif., by Therapy, Ltd. The drug was shipped between the approximate dates of April 21 and May 1, 1944, and the display cards and booklets were shipped in November 1943.

PRODUCT: 178 bottles of *Theradophilus* at Denver, Colo., together with a number of display cards entitled "Theradophilus" and a number of booklets entitled "Therapy Supplementary Foods." Samples of the article were found to contain viable acidophilus in amounts varying from 100,000 to 5,100,000 per cubic centimeter and bacteria other than acidophilus in amounts varying from 280,000 to 7,200,000 per cubic centimeter.

LABEL, IN PART: "Theradophilus A Condensed Pure Culture of Bacillus Acidophilus."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity of the article fell below that which it was represented to possess, in that it was represented to be a "Pure Culture of Bacillus Acidophilus," whereas it was not a pure culture of bacillus acidophilus, but was a culture of bacillus acidophilus contaminated with foreign micro-organisms.

Misbranding, Section 502 (a), the following labeling statements were false and misleading as applied to the article, which contained cocci and short-rod forms of bacteria: (Bottle label) "Theradophilus A condensed Pure Culture of Bacillus Acidophilus"; (display cards) "Theradophilus Acidophilus Culture"; (booklet) "A Vigorous Culture of Acidophilus."

Further misbranding, Section 502 (a), certain statements in the display cards and booklets were false and misleading since they represented and suggested that the article would be effective as a remedy for colitis, diarrhea, dysentery, constipation, hyperacidity, excessive gas, and auto-intoxication; that it would be effective in overcoming putrefaction resulting from overindulgence in food, constipation, diarrhea, toxic headaches, dullness, loss of energy, many diseases, and premature death; that it would be effective for controlling conditions in the intestines; that it would be effective in safeguarding against intestinal poisoning; that it would be conducive to longevity; that it would be effecive in enabling one whose strength had been pulled down by harmful bacteria to regain the clear eyes and sparkling energy of youth; and that it would be effective to accomplish great improvement in health. The article would not be effective for the purposes represented.

DISPOSITION: August 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1817. Adulteration and misbranding of Mennen Antiseptic Oil. U. S. v. 51 Packages of Mennen Antiseptic Oil. Consent decree of condemnation. Product ordered disposed of for industrial purposes. (F. D. C. No. 11288. Sample No. 56392–F.)

LIBEL FILED: December 10, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1943, by the Mennen Co., from Newark, N. J.

PRODUCT: 51 packages, each containing 1 gallon, of *Mennen Antiseptic Oil* at Long Island City, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, in that it was represented to be germicidal and self-sterilizing, whereas it was neither germicidal nor self-sterilizing.

Misbranding, Section 502 (a), the following statements on the label of the article were false and misleading since the article was not germicidal, was not self-sterilizing, and was not efficacious for the symptoms and conditions mentioned: "Germicidal * * * Self-Sterilizing * * * It is so medicated as to make the oil * * * germicidal * * * self-sterilizing. * * * It has greater antiseptic and germicidal powers than the commonly used ammoniated mercury ointments. * * * The Oil is self-sterilizing, and autoclaving is not necessary. * * * It helps kill and prevent the growth of pyogenic organisms as long as it is in contact with the skin. * * * It helps maintain and conserve vital body temperature. It helps sterilize * * * the diaper area. * * * Meets the widespread demand of hospitals, physicians, nurses and mothers * * * germicidal * * * and self-sterilizing oil * * * offers protection against infection * * * Mennen Antiseptic Oil aids in keeping the skin of the babies free from pyogenic organisms. * * *

quickly relieves * * * aggravated skin conditions. Prescribed where * * * germicidal oil dressing is required."

DISPOSITION: On October 30, 1945, the Mennen Co., claimant, having filed an answer denying the allegations of adulteration and misbranding set forth in the libel, the case came on for trial before the court without a jury. On October 31, 1945, after the court had heard part of the proof of the Government, the claimant consented to the entry of a decree of condemnation. A decree was accordingly entered on November 13, 1945, condemning the product, and on May 3, 1946, an order was entered providing for the mixing of the product with other fats for industrial purposes, under the supervision of the United States marshal.

1818. Adulteration of Peptulcyl Proteolytic Enzymes. U. S. v. 40 Ampuls and 88 Ampuls of Peptulcyl Proteolytic Enzymes. Default decrees of condemnation and destruction. (F. D. C. Nos. 17122, 17263. Sample Nos. 7014–H, 20292–H.)

LIBELS FILED: August 17 and 31, 1945, District of New Jersey and Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about April 10 and July 19, 1945, by the Solex Laboratories, Inc., from Brooklyn and New York, N. Y.

PRODUCT: 40 ampuls and 88 ampuls of *Peptulcyl Proteolytic Enzymes* at Hoboken, N. J., and Tulsa, Okla., respectively. This product was intended for parenteral use and was not sterile, as is required for such purpose.

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported to possess, since it was unsterile.

DISPOSITION: September 10 and December 3, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1819. Adulteration of glucose injection, sodium iodide, and Bethiamin. U. S. v. 13 Ampuls of Glucose Injection, 50 Ampuls of Sodium Iodide, and 72 Ampuls of Bethiamin. Default decree of forfeiture and destruction. (F. D. C. No. 17073. Sample Nos. 21734–H, 21736–H to 21738–H, incl.)

LIBEL FILED: On or about August 6, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of August 25, 1944, and May 25, 1945, by the S. E. Massengill Co., from Bristol, Tenn.

PRODUCT: 13 ampuls of *glucose injection*, 50 ampuls of *sodium iodide*, and 72 ampuls of *Bethiamin* at Kansas City, Mo.

LABEL, IN PART: (Ampuls) "50 cc. Size Injection Glucose (Dextrose, U. S. P.)," "10 cc. Size Sodium Iodide * * * Intravenous," or "30 cc. Size Bethiamin 33330 A brand of Thiamin Hydrochloride (B_1 * * * For Intramuscular or Intravenous Administration."

NATURE OF CHARGE: *Glucose injection.* Adulteration, Section 501 (b), the article purported to be and was represented as "Dextrose Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not free of undissolved material, as is required by the Pharmacopoeia.

Sodium iodide. Adulteration, Section 501 (b), the article purported to be and was represented as "Ampuls of Sodium Iodide," a drug the name of which is recognized in the National Formulary, an official compendium, but its quality fell below the official standard since it was not substantially free of undissolved material, as is required by the Formulary.

Bethiamin. Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess, since it was represented for intramuscular or intravenous administration and was not substantially free of undissolved material, as is required for such purposes.

DISPOSITION: September 6, 1945. No claimant having appeared, judgment of forfeiture was entered and the products were ordered destroyed.

1820. Adulteration of phenolsulfonphthalein. U. S. v. 118 Cartons of Phenolsulfonphthalein. Default decree of condemnation and destruction. (F. D. C. No. 9750. Sample No. 44070–F.)

LIBEL FILED: April 5, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 25, 1943, from Brooklyn, N. Y., by the Pro-Medico Laboratories, Inc.

PRODUCT: 118 cartons, each containing 10 ampuls, of *phenolsulfonphthalein* at St. Louis, Mo.

LABEL, IN PART: "Sterile 1 cc Phenolsulfonphthalein 6 mgms (1/10 gr.) Intraven.-Intramusc."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Phenolsulfonphthalein Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since numerous undissolved particles could be detected readily in the article without magnification when the solution was examined as is prescribed in the standard.

DISPOSITION: April 30, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1821. Adulteration of hypodermic tablets of epinephrine. U. S. v. 12,000 Cartons of Hypodermic Tablets. Default decree of destruction. (F. D. C. No. 17164. Sample No. 13092–H.)

LIBEL FILED: August 22, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 13, 1945, by the G. F. Harvey Co., Saratoga Springs, N. Y.

PRODUCT: 12,000 cartons of *hypodermic tablets* at Columbus, Ohio.

LABEL, IN PART: (Cartons) "5 Tubes of 20 Hypodermic Tablets Epinephrine Soluble 3/200 Grains (1.0 mg.)."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., "Hypodermic Tablets Epinephrine Soluble 3/200 Grains (1.0 mg.)," since it had a potency equivalent to not more than 3/400 grain (½ milligram) per tablet, or not more than one-half of the potency declared on the label.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1822. Adulteration of blue cohosh. U. S. v. 1 Drum of Blue Cohosh. Default decree of destruction. (F. D. C. No. 16859. Sample No. 13065–H.)

LIBEL FILED: July 17, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 26, 1944, by the Abbott Laboratories, from North Chicago, Ill.

PRODUCT: 1 drum containing approximately 150 pounds of *blue cohosh*, at Columbus, Ohio.

Examination showed that the product yielded approximately 13 percent of acid-insoluble ash.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as a drug the name of which is recognized in the National Formulary, an official compendium, but its quality and purity fell below the official standard since it yielded more than 4 percent of acid-insoluble ash, the maximum permitted by the Formulary.

DISPOSITION: September 18, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1823. Adulteration and misbranding of bandages. U. S. v. 20,880 Cartons of Bandages. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16975. Sample No. 29090–H.)

LIBEL FILED: August 4, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about May 24, 1945, from Bridgeport, Conn., by Parke, Davis and Co.

PRODUCT: 20,880 cartons of *bandages* at San Francisco, Calif.

LABEL, IN PART: (Cartons) "10 One-Unit Size Packages 16 Per Package * * * 1″ x 3⅜″ Bandages, Gauze, Adhesive Field Brown Sterilized Dyed Dressings."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Adhesive Absorbent Gauze [or "Adhesive Absorbent Compress"]," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile but was contaminated with living micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterilized" was false and misleading.

DISPOSITION: October 30, 1945. Parke, Davis and Co., Detroit, Mich., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed, or disposed of otherwise, under the supervision of the Federal Security Agency.

1824. Adulteration and misbranding of prophylactics. U. S. v. 1 Case of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 16744. Sample Nos. 13738–H, 13740–H.)

LIBEL FILED: June 27, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 10, 1945, by the Acme Overseas Express, from Miami, Fla.

PRODUCT: 1 case containing 60 gross of *prophylactics*, at Akron, Ohio. Examination of samples disclosed that 72.2 percent were defective in that they contained holes.

LABEL, IN PART: "L. E. S. Liquid Latex Genuine."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements, "Sold for the Prevention of Disease Only * * * Prophylactic * * * Guaranteed Five Years," were false and misleading when applied to an article containing holes.

DISPOSITION: July 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1825. Adulteration and misbranding of prophylactics. U. S. v. 41½ Gross and 58½ Gross of Prophylactics. Default decree of destruction. (F. D. C. No. 17160. Sample Nos. 19075–H, 19076–H.)

LIBEL FILED: August 23, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about May 1, 1945, by M. H. Jacobs, from Chicago, Ill.

PRODUCT: 41½ gross and 58½ gross of *rubber prophylactics* at Minneapolis, Minn. Examination of samples disclosed that the product was defective in that it contained holes.

LABEL, IN PART: "Apris Prophylactics," or "Xcellos Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: August 23, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1826. Adulteration and misbranding of prophylactics. U. S. v. 13½ Gross of Prophylactics. Default decree of forfeiture and destruction. (F. D. C. No. 17229. Sample No. 13987–H.)

LIBEL FILED: August 31, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 18, 1945, by the Perfection Rubber Co., from Akron, Ohio.

PRODUCT: 13½ gross of *prophylactics* at Evansville, Ind. Examination of samples disclosed that 13.9 percent were defective in that they contained holes.

LABEL, IN PART: "Perfection Gold Band Supreme Quality Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements, "Perfection" and "Perfection * * * Supreme Quality Prophylactics," were false and misleading as applied to an article containing holes.

DISPOSITION: October 9, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1827. Misbranding of Figurene. U. S. v. Richard Barrett (The Figurene Co.). Plea of nolo contendere. Fine, $25. (F. D. C. No. 16537. Sample No. 70128–F.)

INFORMATION FILED: August 27, 1945, Southern District of California, against Richard Barrett, trading as the Figurene Co., Beverly Hills, Calif.

ALLEGED SHIPMENT: On or about June 1, 1944, from the State of California into the State of Utah.

PRODUCT: Analysis disclosed that the product consisted of particles of karaya gum with some small amounts of adherent bark.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they represented and created the impression that the article would be efficacious in the acquisition of a figure which men would admire and which women would envy; that the article would help to reduce caloric intake; and that its use would be efficacious to reduce excess weight in cases of individuals overweight for their sex, age, and height, when such condition was caused by other than glandular disturbances. The article would not be efficacious for such purposes.

DISPOSITION: September 10, 1945. A plea of nolo contendere having been entered, the court imposed a fine of $25.

1828. Misbranding of Sul-Vito Bath. U. S. v. 29 Bottles of Sul-Vito Bath, and 55 circulars. Decree of condemnation and destruction. (F. D. C. No. 16628. Sample No. 27006–H.)

LIBEL FILED: June 21, 1945, District of Wyoming.

ALLEGED SHIPMENT: On or about April 7, 1945, by Queen City Supply, Denver, Colo.

PRODUCT: 29 ½-pint bottles of *Sul-Vito Bath* and 55 circulars entitled "Sul-Vito Calcium Poly Sulphide Solution," at Cheyenne, Wyo. Analysis showed that the product consisted essentially of calcium polysulfide and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the label of the article and in the circulars were false and misleading since they represented and suggested that the addition of the article to the bath water would produce benefit beyond that which may be obtained by bathing in warm water, whereas the addition of the article to the bath water would not produce the benefit so represented and suggested: (Label) "For reducing baths use in conjunction with reducing diets or treatments"; (circulars) "Have you ever traveled to some famous Hot-springs resort, at great expense and inconvenience, to obtain the beneficial and healthful delight only obtained from a series of Hot Sulphur Baths? Sul-Vito now offers many of the beneficial effects obtained at Hot Sulphur Springs—in the comfort and privacy of your own bathroom. Sul-Vito for relief of any non-systemic and nonorganic disturbance. * * * The most important uses of Sulphur are external. When brought in contact with the skin, especially in the presence of alkalies, there occurs a chemical reaction with the formation probably of hydrogen sulfide. The alkaline sulphide thus formed is an active poison to various pathogenic parasites, and sulphur therefore is a useful remedy in such diseases as scabees, ringworm, and favus. Besides this effect, the sulfides by their local stimulating effects tend to overcome congestion in the skin, and they have the power of softening the horny elements. For one of the other effects, sulphur is a valuable remedy in a number of non-parasitic diseases of the skin, especially acne, psoriasis, seborrhea, etc. Sul-Vito can be used for the easing of sore and tired, aching muscles caused by overwork, strain, or colds. Sul-Vito can be used for the relief of arthritic, neuritic, and rheumatic pains and for reducing swollen muscles and joints. Sul-Vito can be used for the soothing of hot, itching, irritated skin caused by some forms of eczema, acne, or ringworms. Sul-Vito can be used for the quieting and soothing of excessive nervousness and aid in producing sound, undisturbed sleep. Sul-Vito can be used for benefiting the evils and discomforts caused by athletes foot, and assist in reducing foot odors. * * * Sul-

*See also Nos. 1801, 1802, 1805–1808, 1810, 1811, 1816, 1817, 1823–1826.

Vito can be used as a reducing agent, and aids any therapeutic, massage, or dietetic system of reduction. Rub dry, wrap up in blankets and retire."

DISPOSITION: October 19, 1945. Queen City Supply, claimant, having authorized the entry of a decree, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1829. Misbranding of DMC Compound No. 49. U. S. v. 22 Jars of DMC Compound No. 49, and 175 circulars. Default decree of condemnation and destruction. (F. D. C. No. 16668. Sample No. 2763–H.)

LIBEL FILED: July 5, 1945, Western District of Virginia.

ALLEGED SHIPMENT: On or about February 3, 1945, by the Dixie Medicine Corporation, from Charlotte, N. C.

PRODUCT: 22 jars of *DMC Compond No. 49* at Charlottesville, Va., together with 175 circulars entitled "Do You Suffer From Arthritis or Rheumatism?"

Analysis showed that the product contained sodium and potassium salts of tartaric acid, sulfur, sodium salicylate, and licorice.

LABEL, IN PART: "DMC Compound No. 49 A Balanced Formula Intended for the Relief of Muscular Aches and Pains."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular were false and misleading since they represented and suggested that the article would be effective in the treatment of arthritis and rheumatism, whereas it would not be effective for such purposes.

DISPOSITION: December 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1830. Misbranding of G–T Alterative-Nervine. U. S. v. 65 Bottles of G–T Alterative-Nervine. Default decree of condemnation and destruction. (F. D. C. No. 16670. Sample No. 1011–H.)

LIBEL FILED: July 3, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 12, 1945, by Ar-Ell Drug Products, from Cleveland, Ohio.

PRODUCT: 65 4-ounce bottles of *G–T Alterative-Nervine* at Atlanta, Ga.

Analysis showed that the article consisted essentially of ammonium chloride, approximately 4½ grains per fluid ounce, gold and sodium chloride, approximately 1/7 grain per fluid ounce, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Alterative-Nervine" was false and misleading since the article was not an alterative and would have no effect on the nerves.

DISPOSITION: September 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1831. Misbranding of Ma-Ta Liquid and Ma-Ta Powder. U. S. v. 54 Bottles of Ma-Ta Liquid, 13 Packages of Ma-Ta Powder, and 33 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16700. Sample Nos. 929–H, 930–H.)

LIBEL FILED: July 27, 1945, Southern District of Florida.

ALLEGED SHIPMENT: By the Mafoliata Corporation, from Chicago, Ill., on or about April 25, 1945. The leaflets were shipped from Chicago, Ill., on a date unknown.

PRODUCT: 54 1-quart bottles of *Ma-Ta Liquid* and 6 15-gram packages and 7 125-gram packages of *Ma-Ta Powder* at West Palm Beach, Fla., and a number of leaflets entitled "Ma-Ta Mafoliata."

Examination showed that the powder consisted essentially of an extract of plant material, including the alkaloid berberine; and that the liquid consisted essentially of the same substance in water, containing a small proportion of sodium benzoate.

LABEL, IN PART: "Liquid 'Ma-Ta' (Mafoliata)," "Powder Ma-Ta (Mafoliata)," or "Ma-Ta Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets accompanying the articles were false and misleading since they represented and suggested that the articles would be effective in the treatment of acne, acute septicemia, arthritis, asthma, athlete's foot, abscesses in ear drums, bronchial troubles, burns, cancer, carbuncles, cartilaginous tumors, common colds, constipation, cuts, lacerations, and bruises, diabetes, duodenal ulcers,

earache, eczema, epilepsy, fractures, fungi, gallstones, kidney trouble, bladder trouble, gangrene, gas bacilli, gonorrhea, halitosis, hay fever, hemorrhoids, piles, and fistulas, high and low blood pressure, impetigo, indigestion, infantile paralysis, iritis, leg ulcers, osteomyelitis, pyorrhea, ringworm, shingles, sinus, sore eyes, sprains, sunburn, syphilis, thrombosis, tired feet, tonsillitis, trench mouth, tuberculosis, ulcers and boils, vaginal tumors, varicose veins, warts, psoriasis, stomach ulcers, kidney stones, ulcers of the bladder and kidneys, brain tumors, sciatica, nervous disorders, jaundice, boils, swellings, bumps, and growths. The articles would not be effective in the treatment of the conditions, symptoms, and diseases stated and implied.

Ma-Ta Powder. Further misbranding, Section 502 (a), the following statement on the cartons was false and misleading since the article would not be efficacious for the conditions mentioned: "For all surface infections, cuts, lacerations, burns, sunburns, athlete's foot, poison ivy, chigger bites, ulcers, etc."

DISPOSITION: September 20, 1945. No claimant having appeared, judgment of forfeiture was entered. A portion of the product was ordered delivered to the Food and Drug Administration for scientific experimentation, and the remainder was ordered destroyed.

1832. Misbranding of Finley's Ginseng Compound. U. S. v. Samuel Eugene Williams (Finley Medical Co.). Plea of nolo contendere. Fine, $50. (F. D. C. No. 16533. Sample No. 90075–F.)

INFORMATION FILED: July 24, 1945, Eastern District of Missouri, against Samuel Eugene Williams, trading as the Finley Medical Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about November 15, 1944, from the State of Missouri into the State of Illinois.

PRODUCT: Analysis showed that the product consisted essentially of water, with a small proportion of extracts of plant drugs.

LABEL, IN PART: "Finley's Ginseng Vegetable and Non-Alcoholic. For the Blood, Nerves, Kidneys, Liver Ginseng Compound."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label were false and misleading since they represented and suggested that the article would be efficacious to improve the blood, nerves, kidneys, and liver; and that it would be efficacious in the cure, mitigation, treatment, and prevention of blood disorders, kidney diseases, stomach troubles, nervous affections, skin diseases, liver complaints, rheumatism, la grippe, bad colds, and catarrh. The article would not be efficacious for the purposes represented and suggested.

Further misbranding, Section 502 (a), the name by which the article was designated, "Ginseng Compound," was misleading since it represented and suggested that the principal active ingredient of the article was ginseng, whereas the principal active ingredients were substances other than ginseng; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of contents, since the bottle label bore no such statement.

DISPOSITION: October 5, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of $50.

1833. Misbranding of Topacold. U. S. v. 85 Cartons of Topacold. Default decree of condemnation and destruction. (F. D. C. No. 16665. Sample No. 27835–H.)

LIBEL FILED: July 10, 1945, Eastern District of Washington.

ALLEGED SHIPMENT: On or about January 8 and 20, 1945, by Thornlee, Inc., from Los Angeles, Calif.

PRODUCT: 85 cartons, each containing 1 bottle, of *Topacold* at Yakima, Wash. Examination showed that the product consisted of a perfumed mixture of water, alcohol, phenols, such as cresols (1 percent), gum, and not more than a trace, if any, of cottonseed oil. It contained no carotene nor vitamin A.

LABEL, IN PART: "Topacold For Relief of Common Head Colds."

NATURE OF CHARGE: Misbranding, Section 502 (a), the designation "Topacold" and certain statements on the labels and in the leaflet enclosed in each carton of the article were false and misleading since they represented and suggested that the article would be effective to cure, mitigate, or otherwise affect the course of a cold; and that it would be effective to alleviate sneezing, running of the nose, watering of the eyes, and general discomfort or distressing con-

ditions accompanying colds. The article would not be effective for those purposes.

Further misbranding, Section 502 (a), the label statement, "Topacold Contains: Derivatives of Carotene dissolved in cottonseed oil. * * * Uncombined Cresols: 0.05%," was false and misleading since the article contained no carotene nor vitamin A, the only known therapeutically useful derivative of carotene, and not more than a trace, if any, of cottonseed oil; and it contained much more than 0.05 percent cresols.

DISPOSITION: August 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1834. Misbranding of Craemer's Celebrated Compound. U. S. v. 3 Dozen Bottles of Craemer's Celebrated Compound. Default decree of condemnation and destruction. (F. D. C. No. 17286. Sample Nos. 22708-H, 22709-H.)

LIBEL FILED: September 1, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about February 2 and June 5, 1945, from St. Louis, Mo., by the Wm. Craemer Medicine Co.

PRODUCT: 3 dozen bottles of *Craemer's Celebrated Compound* at Cairo, Ill.

Examination showed that the product consisted essentially of citrates, phosphates, chlorides, and salicylates of sodium, potassium, and ammonium, dissolved in water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "For Use in Case of Stomach and Bowel Complaints Due to Constipation, also for Sallow Complexion, Loss of Appetite, Bad Taste, Belching and Accumulation of Gases in the Intestines when caused by Sluggish Bowels," were false and misleading in that the article would not be effective generally in the treatment of such conditions, since the user would not be able to determine when such conditions are caused by constipation or sluggish bowels, and some of the conditions are not caused by constipation or sluggish bowels.

DISPOSITION: October 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1835. Misbranding of Hall's Canker Remedy. U. S. v. 372 Bottles of Hall's Canker Remedy. Default decree of condemnation and destruction. (F. D. C. Nos. 16767 to 16769, incl. Sample Nos. 31454-H to 31456-H, incl.)

LIBEL FILED: July 5, 1945, Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of January 23 and April 13, 1945, by Hall's Canker Remedy, from Salt Lake City, Utah.

PRODUCT: 372 3-ounce bottles of *Hall's Canker Remedy* at Los Angeles, Calif. Examination showed that the product consisted essentially of zinc sulfate, borax, sugars, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Canker Remedy * * * Aids in the Treatment of Canker, Simple Sore Throat, and all Minor Mouth * * * Irritations * * * If the Canker is not relieved, repeat dose as before," were false and misleading since the article would not be effective in the treatment of the conditions mentioned.

DISPOSITION: July 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1836. Misbranding of CeKelp. U. S. v. 35 Bottles of CeKelp, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No. 16649. Sample No. 2656-H.)

LIBEL FILED: On or about July 5, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: By the Dental Research Co., from St. Petersburg, Fla. The *CeKelp* and some of the circulars were shipped on or about February 15, 1945, and the other circulars were shipped at earlier dates.

PRODUCT: 35 bottles, each containing 500 5-grain tablets, of *CeKelp* at Huntington, W. Va.; also a number of circulars entitled "Goiter," "Arthritis," "The Anemias," "The Common Cold," and "Ce-Kelp in Sickness and Health."

Examination showed that the product consisted essentially of compressed, powdered kelp. The recommended daily dose for adults (6 tablets) would supply approximately 4 milligrams of iodine, 14 percent of the minimum daily requirement for iron, 4.8 percent of that for calcium, 1.1 percent of that for phosphorus, and insignificant amounts of other minerals.

LABEL, IN PART: (Bottles) "CeKelp a Vegetable Sea Food Kelp."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective in the prevention or treatment of goiter, arthritis, anemias, common colds, and diseases resulting from calcium-phosphorus imbalance, whereas it would not be effective in the prevention or treatment of such conditions.

The article was also alleged to be misbranded under the provisions of the law applicable to food, as reported in notices of judgment on foods.

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1837. Misbranding of vitamin products. U. S. v. 105 Bottles of A-Tri-ol Capsules, etc. Default decree of condemnation and destruction. (F. D. C. No. 16699. Sample Nos. 26492–H to 26499–H, incl.)

LIBEL FILED: July 20, 1945, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of April 20 and June 18, 1945, by Vitamin Stores, Inc., from Omaha, Nebr.

PRODUCT: 105 bottles of *A-Tri-ol Capsules*, 106 bottles of *Vita-Chrome Tablets*, 45 bottles of *De-A-Tol Capsules*, 67 bottles of *Vita-Pels Pellets*, 21 bottles of *Bevron Tablets*, 8 bottles of *Pro-B-Ron Capsules*, 8 bottles of *vitamin E capsules*, and 29 bottles of *Nervron Tablets*, at Denver, Colo., together with accompanying labeling consisting of 300 circulars entitled "Spring 1945," 800 circulars entitled "Summer 1945," 500 circulars entitled "Background for De-A-Tol," and 3 placards entitled "Vita-Pels," "Vita-Chrome," and "De-A-Tol," respectively.

LABEL, IN PART: "A Tri-ol Vitamin A Capsules 25,000 USP Units"; "Vita-Chrome Improved * * * Tablets Each Tablet Contains Calcium Pantothenate 10 mgms. B_1 . . . 1.5 mgm. B_2 . . . 1 mgm. Niacin 10 mgm. B_6 . . . 250 mcg."; "Capsules De-A-Tol Vitamin D Each Capsule Contains 50,000 U. S. P. Units"; "Pellets Vita-Pels Improved Vitamins and Minerals 9 Vitamins In Each Red Pellet 12 Minerals In Each Black Pellet"; "Tablets Bevron B Complex Vitamins with Liver and Iron Each Tablet Contains * * * Niacin 20 mgms."; "Capsules Pro-B-Ron Liver and Iron with B Complex"; "Capsules Vitamin E Each capsule contains approximately six times as much Vitamin E as the equivalent amount of wheat germ oil"; "Nervron Tablets Each Tablet Contains Vitamin B_1 15 milligrams."

NATURE OF CHARGE: *A-Tri-ol Capsules.* Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in overcoming bad skin and in promoting eye health; and that supplies of vitamin A could not be obtained from foods. The article would not be effective for the purposes claimed, and supplies of vitamin A can be obtained from food.

Vita-Chrome Tablets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in overcoming the cause of gray hair, whereas it would not be effective for such purpose.

De-A-Tol Capsules. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in the treatment of arthritis and the accompanying symptoms, such as fatigue, neuritis, and insomnia, whereas it would not be effective for such purposes.

Vita-Pels Pellets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in the treatment of tiredness, nervousness, sleeplessness, anemia, poor digestion, a run-down condition, and other ailments; and that it would give protection against all vitamin and mineral deficiencies. The article would not be effective for the purposes claimed.

Bevron Tablets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in the treatment of fatigue, sleeplessness, anemia, and indigestion; and that it would impart energy. The article would not be effective for the purposes claimed, and it would not impart energy.

Pro-B-Ron Capsules. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in building blood and in maintaining energy and vigor, whereas it would not be effective for such purposes.

Vitamin E capsules. Misbranding, Section 502 (a), the labeling statement, "Vitamin E The Reproduction Vitamin For Muscular Dystrophy," was false and misleading since the article would not be effective for reproduction or for muscular dystrophy.

Nervron Tablets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be effective in the treatment of neuritis, lost weight and strength, lost appetite, colitis, nervousness, and discouragement; and that it would be effective in insuring energy. The article would not be effective for such purposes.

The *Vita-Pels Pellets*, *Pro-B-Ron Capsules*, *vitamin E capsules*, and *Nervron Tablets* were also alleged to be misbranded, and the *Bevron Tablets* were also alleged to be adulterated, under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the products, together with the printed matter, were ordered destroyed.

1838. Misbranding of Procon Tablets. U. S. v. 25 11/12 Dozen Bottles of Procon Tablets. Default decree of condemnation and destruction. (F. D. C. No. 17091. Sample Nos. 2469–H, 2470–H.)

LIBEL FILED: August 7, 1945, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about May 16, 1945, by the Allied Pharmacal Co., from Cleveland, Ohio.

PRODUCT: 15 2/3 dozen 20-tablet bottles, 9 11/12 dozen 50-tablet bottles, and 4 200-tablet bottles of *Procon Tablets* at Clarksburg, W. Va. Examination showed the article to have essentially the composition stated on the label.

LABEL, IN PART: "Procon Tablets Each tablet contains 1/8 grain Extract Belladonna Leaves containing 0.00156 grain Total Alkaloids of Belladonna and 1/10 grain Extract Nux Vomica containing 0.00738 grain Strychnine. Also contains Methenamine, Extract Ergot, Potassium Bicarbonate and Extract Rhus Aromatica."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Procon" and the label statement, "For the Temporary Relief of Incontinence," were false and misleading since the article would not be effective for the relief of incontinence.

DISPOSITION: August 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1839. Misbranding of estrogenic hormones. U. S. v. 470 Vials, 489 Vials, 118 Boxes, and 57 Boxes of Estrogenic Hormones. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 16648. Sample Nos. 16265–H to 16267–H, incl., 17512–H.)

LIBEL FILED: July 24, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 2, April 21, and May 23, 1945, and on other dates unknown, by the U. S. Standard Products Co., from Woodworth, Wis.

PRODUCT: 470 vials, 489 vials, 118 boxes, and 57 boxes of *estrogenic hormones* at Chicago, Ill. Examination showed that the articles were oil solutions and aqueous suspensions of estrogenic material consisting essentially of estradiol, with an insignificant amount, if any, of estrone, which is the principal estrogenic hormone occurring in natural sources such as pregnant mares' urine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the estrogenic material present in the articles did not consist of estrogenic substances as derived from pregnant mares' urine: (470-vial and 118-box lots) "Estrogenic substances, principally estrone and estradiol * * * Isolated from pregnant mare's urine"; (489-vial and 57-box lots) "Estrogenic substances, principally estrone and estradiol * * * Isolated from gravid mare's urine"; and (489-vial lot only) "Principally estrone and estradiol."

DISPOSITION: September 26, 1945. The U. S. Standard Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1840. Misbranding of estrogenic hormone. U. S. v. 24 Cartons of Estrogenic Hormone. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17009. Sample No. 31358–H.)

LIBEL FILED: August 7, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about May 31, 1945, by the Chicago Pharmacal Co., from Chicago, Ill.

PRODUCT: 24 cartons, each containing 1 vial, of *estrogenic hormone* at Los Angeles, Calif. Examination showed that the product was an oil solution of estrogenic material consisting essentially of estradiol, with an insignificant proportion, if any, of estrone, which is the principal estrogenic hormone occurring in natural sources such as pregnant mares' urine.

LABEL, IN PART: "30 cc. Size Estrogenic Hormone, 20,000 Units in Corn Oil * * * This product is an estrus producing extract derived from pregnant mares' urine."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "derived from pregnant mares' urine," was false and misleading since the estrogenic material present in the article did not consist of natural estrogenic substance as derived from pregnant mares' urine.

DISPOSITION: August 31, 1945. The Chicago Pharmacal Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1841. Misbranding of hair preparations. U. S. v. 49 Packages of Mi-Hair Shampoo, 180 Packages of Mi-Hair Scalp Medicine No. 1, 240 Packages of Mi-Hair Scalp Medicine No. 2, 50 Cartons of Mi-Hair Introductory Units, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No. 16702. Sample Nos. 266–H to 269–H, incl.)

LIBEL FILED: July 17, 1945, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 24 and May 4, 1945, by Capillis, Inc., from Brooklyn, N. Y.

PRODUCT: 49 1-gallon packages of *Mi-Hair Shampoo;* 180 4-ounce packages of *Mi-Hair Scalp Medicine No. 1;* 240 4-ounce packages of *Mi-Hair Scalp Medicine No. 2;* and 50 cartons of *Mi-Hair Introductory Units*, each carton containing 1 package of each of the above-named products and 1 package of *Mi-Hair Conditioner and Scalp Invigorator*, at Charlotte, N. C. A number of circulars accompanied the article and were entitled "Mi-Hair America's Scientific Scalp and Skin Medicine" and "How to Obtain Best Results from Mi-Hair."

Examination showed that the *Shampoo* consisted essentially of water, soap, and a small proportion of resorcinol compound; that the *Scalp Medicine No. 1* consisted essentially of water, isopropyl alcohol, and small proportions of oxyquinoline, a resorcinol compound, beta naphthol and a very small amount of sulfanilamide; that the *Scalp Medicine No. 2* consisted essentially of the same ingredients as the *No. 1*, with the addition of a small proportion of borax; and that the *Conditioner and Scalp Invigorator* consisted essentially of petrolatum, with small amounts of lanolin, a resorcinol compound, beta naphthol, and salicylic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the articles and in the circulars were false and misleading since they represented and suggested that the articles, when used alone or in combination, would be effective in stimulating the scalp, preventing loss of hair, and eradicating dandruff. The articles, when used alone or in combination, would not be effective for such purposes.

DISPOSITION: August 31, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1842. Misbranding of Oscillators. U. S. v. 14 Oscillators and 2,000 booklets. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 16710. Sample Nos. 10295–H, 13741–H.)

LIBEL FILED: July 24, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 10 and June 1, 1945, by the Oscillation Therapy Products Co., from New York, N. Y.

PRODUCT: 1 *DeLuxe Body Oscillator*, 9 *Combination Oscillators*, 3 *Hand Oscillators*, 1 *Foot Oscillator*, 1,000 booklets entitled "Plain Facts About Reducing," and 1,000 booklets entitled "Oscillate that bulk away," at Lorain, Ohio.

All the devices operated on the same principle, vibrating or oscillating when electrically motivated.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the devices would be effective in bringing about a reduction in body weight and in correcting conditions stated in the booklets as being caused by overweight. The articles would not be effective for such purposes.

DISPOSITION: August 15, 1945. The Lorain Normalizing and Beauty Salon, Lorain, Ohio, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the devices and booklets were ordered released under bond, the former to be brought into compliance with the law, and the latter to be destroyed, under the supervision of the Food and Drug Administration.

DRUGS FOR VETERINARY USE

1843. Misbranding of Weldon Livestock Remedy. U. S. v. William Hagedorn. Plea of guilty. Fine, $150 and costs. (F. D. C. No. 16542. Sample Nos. 14701-H, 20043-H.)

INFORMATION FILED: September 18, 1945, Northern District of Iowa, against William Hagedorn, Manning, Iowa.

ALLEGED SHIPMENT: On or about January 3 and March 2, 1945, from the State of Iowa into the States of Illinois and Nebraska.

PRODUCT: Analysis disclosed that the product consisted of a dilute solution of sodium hydroxide (lye) and sodium carbonate, together with a small amount of glycerin and oil of anise.

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the product and certain statements on its label were false and misleading since they represented and suggested that the article would keep livestock well; that it would be efficacious in the cure, mitigation, treatment, and prevention of many diseases of livestock; that it would be efficacious in the cure, mitigation, treatment, and prevention of necro in hogs and black and bloody scours in hogs, calves, and sheep; and that it would prevent the dying of livestock, in one treatment. The article would not be efficacious for the purposes represented and suggested.

DISPOSITION: October 3, 1945. A plea of guilty having been entered by the defendant, the court imposed a fine of $75 on each of the 2 counts, plus costs.

1844. Misbranding of Snow Flake Axle Grease. U. S. v. 89 Packages of Axle Grease. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16128. Sample No. 11012-H.)

LIBEL FILED: May 10, 1945, District of New Hampshire.

ALLEGED SHIPMENT: On or about March 9, 1945, by the Snow Flake Axle Grease Co., from Boston, Mass.

PRODUCT: 89 packages of *Snow Flake Axle Grease* at Concord N. H. Examination of a sample disclosed that the product consisted essentially of dark amber petrolatum.

LABEL, IN PART: "Snow Flake Axle Grease."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article would not be effective in the treatment of the diseases, symptoms, and conditions mentioned, nor would it be effective in the treatment of any condition of the udders of cows: "it makes the hoof * * * tough, causes it to grow, removes all fever from the foot, cures quarter cracks, sore heels, contracted feet, brittle hoofs, thrush, scratches, caulks, and hard swellings, as well as sore back and neck * * * For Use on Cows' Udders, This Product Has No Equal."

Further misbranding, Section 502 (b), the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor, and it failed to bear a statement of the quantity of the contents.

DISPOSITION: November 6, 1945. The Snow Flake Axle Grease Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1845. Misbranding of C. C. C. Formula. U. S. v. 10 Bottles of C. C. C. Formula. Default decree of destruction. (F. D. C. No. 17195. Sample No. 18687-H.)

LIBEL FILED: August 28, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about July 5, 1945, from La Valle, Wis., by the C. C. Garget Remedy Co.

PRODUCT: 10 bottles of *C. C. C. Formula* at Stillwater, Minn. Analysis showed that the product consisted essentially of water, formaldehyde, oil of wintergreen, and not more than 7.5 percent of sulfanilamide.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since the article, when used as directed, would not be effective in the treatment of garget or mastitis of milch cows: "Tripple 'C' Formula has been successfully used by Thousands of Farmers who have Garget or Mastitis in their Milch Cows. 95% of cases Cleared up. * * * In severe cases where cow doesn't eat, drench with two tablespoonsful in pint of sweet milk three times daily, till cow gets back on feed. Treat at least ten days. In cases where udder is swollen before freshening, milk out twice daily and give remedy."

Further misbranding, Section 502 (a), the label statement, "Formula * * * Sulphanilamide," was misleading since it created the impression that the article, when used as directed, would supply a therapeutically useful dosage of sulfanilamide, whereas the article, when used as directed, would not supply a therapeutically useful dosage of sulfanilamide.

DISPOSITION: October 17, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1846. Misbranding of Kennedy's Garget Remedy. U. S. v. 57 Packages of Kennedy's Garget Remedy. Default decree of forfeiture and destruction. (F. D. C. No. 17088. Sample No. 27283–H.)

LIBEL FILED: August 7, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about April 11, 1945, by R. O. Kennedy, trading as the Kennedy Remedy Co., from Grants Pass, Oreg.

PRODUCT: 57 packages of *Kennedy's Garget Remedy* at Nampa, Idaho. Examination disclosed that each package contained 2 small packages, one containing potassium nitrate and the other containing a bottle of fluid-extract of phytolacca.

LABEL, IN PART: (Small packages) "Kennedy's Garget Remedy * * * Fluid Ext. Phytolacca," and "Potassium Nitrate * * * Garget Treatment."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Garget Remedy For Stringy or Bloody Milk" and "Garget Treatment," were false and misleading since they suggested and implied that the articles alone or in combination would be effective to treat garget of cows. The articles, used either alone or in combination, would not be effective for such purpose.

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

1847. Misbranding of Jaques' Poultry Preparation. U. S. v. 48 Bottles of Jaques' Poultry Preparation, and a number of circulars. Default decree of destruction. (F. D. C. No. 17125. Sample No. 18678–H.)

LIBEL FILED: August 27, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about May 31, 1945, by the F. M. Jaques Co., from La Crosse, Wis.

PRODUCT: 31 1-quart bottles, 15 ½-gallon bottles, and 2 1-gallon bottles of *Jaques' Poultry Preparation*, at Red Wing, Minn., together with a number of circulars entitled "Information for Treating Poultry with Jaques Remedies."

Examination showed that the product consisted essentially of water, epsom salt, potassium dichromate, nitrates, and chlorites. It contained no potassium chlorate.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements were false and misleading since the article would be valueless when used as directed in the treatment of any disease of poultry: (Bottle label) "Jaques' Poultry Preparation is an intestinal astringent and has a very broad usage among Poultry raisers"; (circular) "Use Jaques' Poultry Preparation for all ages of fowl. For poultry out of condition and in need of a regulator and conditioner. * * * Jaques' Poultry Preparation acts as a mild bowel stimulant, a mild acting laxative and astringent. Both chicks and older fowls like Jaques' Poultry Preparation and will drink up to 25 per cent more water when the remedy is used. * * * Bowel Trouble In Older Fowls * * * For Moulting Fowls * * * For Layers And Breeders * * * Jaques'

Poultry Preparation has a broad usage among poultry raisers and is guaranteed to give satisfaction, and according to our records it has satisfied over 99% of the poultry raisers who have used it."

Further misbranding, Section 502 (a), the label statement, "Active Ingredients * * * Potassium Chlorate," was false and misleading since the article contained no potassium chlorate.

DISPOSITION: October 17, 1945. No claimant having appeared, judgment was entered ordering that the product and circulars be destroyed.

1848. Misbranding of Jaques' Inhalant Spray, Jaques' BCR, and Jaques' Worm Powder. U. S. v. 13 Bottles of Jaques' Inhalant Spray, 13 Bottles of Jaques' BCR, and 2 Cans of Jaques' Worm Powder, together with a number of circulars. Default decree of destruction. (F. D. C. No. 17126. Sample Nos. 19188–H to 19190–H, incl.)

LIBEL FILED: August 25, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about May 28, 1945, by the F. M. Jaques Co., from La Crosse, Wis.

PRODUCT: 13 1-quart bottles of *Jaques' Inhalant Spray*, 13 1-quart bottles of *Jaques' BCR*, and 2 7-ounce cans of *Jaques' Worm Powder*, at Rushford, Minn., together with a quantity of circulars entitled "Information for Treating Poultry with Jaques Remedies."

Examination disclosed that the *Worm Powder* consisted essentially of plant material, including Kamala and tobacco, but that it did not contain nux vomica; that the *Jaques' BCR* consisted essentially of water, potassium dichromate, potassium chlorate, a tarry material such as beechwood creosote or guaiacol, and a small amount of volatile oils, including oil of camphor; and that the *Jaques' Inhalant Spray* consisted essentially of water, formaldehyde, glycerin, and volatile oils, including oil of camphor.

NATURE OF CHARGE: *Jaques' Worm Powder.* Misbranding, Section 502 (a), certain statements on the label and in the circulars were false and misleading since they represented and suggested that the article contained nux vomica as one of its active ingredients; and that the article would be effective in the treatment of roundworms and ascarids in poultry. The article contained no nux vomica, and it would not be effective in the treatment of roundworms and ascarids in poultry.

Jaques' BCR. Misbranding, Section 502 (a), certain statements on the label and in the circulars were false and misleading since they represented and suggested that the article, alone or in combination with *Jaques' Inhalant Spray*, would be effective in the treatment of respiratory diseases of poultry. The article, alone or in combination with *Jaques' Inhalant Spray*, would not be effective for such purposes.

Jaques' Inhalant Spray. Misbranding, Section 502 (a), certain statements on the label and in the circulars were false and misleading since they represented and suggested that the article would be effective in the treatment of respiratory diseases of poultry; and that it would be effective in the treatment of coughs in hogs and in the prevention of respiratory diseases of baby chicks. The article would not be effective for such purposes.

DISPOSITION: November 2, 1945. No claimant having appeared, judgment was entered ordering that the products and circulars be destroyed.

1849. Adulteration and misbranding of Nico Sulpho Tablets. U. S. v. 178 Dozen Packages of Nico Sulpho Tablets. Default decree of condemnation and destruction. (F. D. C. No. 17299. Sample No. 22978–H.)

LIBEL FILED: August 27, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about March 30, 1945, from Winona, Minn., by the J. R. Watkins Co.

PRODUCT: 178 dozen 200-tablet packages of *Nico Sulpho Tablets* at Memphis, Tenn. Examination showed that the product contained 0.79 grain of nicotine sulfate per tablet, a deviation of 21 percent from the declared strength.

LABEL, IN PART: "Nico Sulpho Tablets * * * Active Ingredient Nicotine Sulfate (1 grain per tablet)."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since it did not contain 1 grain of nicotine sulfate per tablet.

Misbranding, Section 502 (a), the following label statements were misleading since the article, when used as directed, would not be effective to produce the

results stated and implied: "For Roundworms in Poultry * * * Roundworms harass poultry and reduce profits. Worm-infested birds have little vitality, are scrawny in appearance and lack resistance to many diseases. Protect your flock from roundworm damage with Watkins Nico Sulpho Tablets."

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1850. Misbranding of Semi-Solid Chick Emulsion. U. S. v. 8¾ Dozen Jars, 7 Barrels, and 50 Drums of Semi-Solid Chick Emulsion, and 79 cards. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16349. Sample Nos. 17867–H to 17869–H, incl.)

LIBEL FILED: June 19, 1945, Northern District of Indiana.

ALLEGED SHIPMENT: By the Consolidated Products Co., from Danville, Ill. The product was shipped between the approximate dates of February 6 and May 11, 1945, and the cards were sent on or about April 15, 1945.

PRODUCT: 8¾ dozen 2-pound jars, 7 barrels, and 50 100-pound drums of *Semi-Solid Chick Emulsion*, and 79 cards designated "Feed Turkeys Semi-Solid Chick Emulsion," at Rensselaer, Ind.

Analysis disclosed that the product consisted essentially of water, casein, mineral salts, lactic acid, and fat, including fish oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the cards were false and misleading since they represented and suggested that the article would be effective in controlling the health of turkeys; and that it would be effective in the prevention and treatment of coccidiosis and other diseases of turkeys designated as intestinal troubles. The article would not be effective for such purposes.

DISPOSITION: November 2, 1945. The Consolidated Products Co., claimant, having admitted, for the purpose of this proceeding only, that the product was misbranded and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

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PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

U. S GOVERNMENT PRINTING OFFICE: 1947

FEDERAL REGISTER

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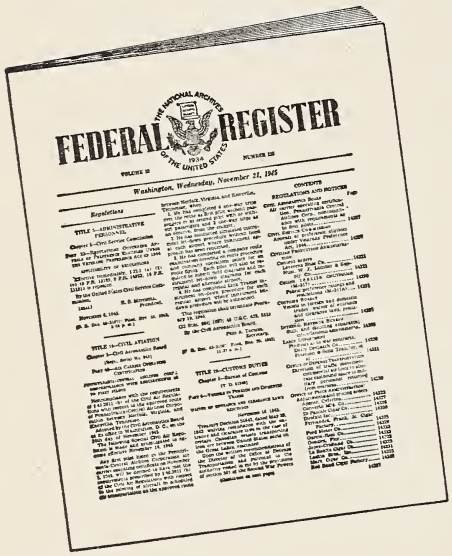
FEDERAL REGISTER

Washington, Wednesday, November 21, 1945

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1851–1900

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *January 8, 1947.*

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DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1851. Misbranding of sulfathiazole tablets. U. S. v. The Lee Drug Co., Inc. Plea of nolo contendere. Fine, $750. (F. D. C. No. 16599. Sample Nos. 34413–F, 64235–F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against the Lee Drug Co., Inc., Columbus, Ga.

INTERSTATE SHIPMENT: On or about November 16, 1944, from Indianapolis, Ind.

LABEL, IN PART: "1000 No. 1635 Tablets Sulfathiazole (2- (p-aminobenzenesulfonamido) thiazole) 0.5 Gm. (7.7 grs.) * * Caution—To be used only by or under the direct supervision of a physician."

NATURE OF CHARGE: That on or about December 13 and 14, 1944, the defendant removed a number of *sulfathiazole tablets* from the bottles labeled as above, repacked them into boxes bearing the label "Two every 4 hours," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the directions for use, "Two every 4 hours," borne on the boxes of the drug,

*For presence of a habit-forming narcotic without warning statement, see Nos. 1854, 1860; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 1854; omission of, or unsatisfactory, ingredients statements, Nos. 1854, 1889, 1891; failure to comply with the labeling requirements of an official compendium, No. 1869; cosmetics, subject to the drug provisions of the Act, Nos. 1884, 1885.

were not adequate directions for use; Section 502 (f) (2), the boxes containing the drugs bore no labeling containing warnings against use in those pathological conditions wherein use of the drug might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (j), the drug, when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, "Two every 4 hours," was dangerous to health.

DISPOSITION: March 4, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $750.

1852. Adulteration and misbranding of atropine sulfate ointment and Nepco Ammoniated Mercury Ointment, and misbranding of Nepco Ephedrine Nasal Jelly and Nepco Sulfur Ointment. U. S. v. New England Pharmaceutical Corporation. Plea of guilty. Fine, $50 on each of 5 counts; sentence suspended on count 6. (F. D. C. No. 17817. Sample Nos. 92835–F, 93003–F, 93701–F, 93703–F, 93707–F.)

INFORMATION FILED: April 12, 1946, Southern District of New York, against the New England Pharmaceutical Corporation, New York, N. Y.

ALLEGED SHIPMENT: On or about January 17 and October 23, 1944, from the State of New York into the District of Columbia and the State of New Jersey.

PRODUCT: Analyses disclosed that various tubes of the *atropine sulfate ointment* contained atropine sulfate in amounts varying from 0.46 percent to 2.60 percent; that the *nasal jelly* contained approximately 1 percent of ephedrine sulfate; that the *ammoniated mercury ointment* contained ammoniated mercury corresponding to 8.4 percent of mercury; and that the *sulfur ointment* was of U. S. P. strength.

NATURE OF CHARGE: *Atropine sulfate ointment.* Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, in that it was represented to contain 1 percent of atropine sulfate, whereas some of the tubes of the article contained less than 1 percent of atropine sulfate and other tubes contained more than 1 percent of atropine sulfate. Misbranding, Section 502 (a), the label statement, "Atropine Sulfate 1%," was false and misleading.

Ephedrine nasal jelly. Misbranding, Section 502 (a), the label statement, "For Head Colds, Etc., Subacute and Chronic Cases * * * used for relief of inflammatory condition of the Nose and Throat, such as Rhinitis, Laryngitis, Common Cold, Hay Fever, especially in subacute and chronic cases," were false and misleading since the article would not be an adequate treatment for head colds and other conditions suggested by the word "Etc."; it would not be an adequate treatment for subacute and chronic cases of head colds; and it would not be an adequate treatment for the relief of inflammatory conditions of the nose and throat, rhinitis, laryngitis, common colds, and hay fever, whether subacute and chronic or otherwise. Further misbranding, Section 502 (f) (2), the article contained ephedrine and its label failed to bear a warning that individuals suffering from high blood pressure, heart disease, diabetes, or thyroid trouble should not use the article except upon competent advice; and its labeling also failed to warn that frequent or continued use of the article might cause nervousness, restlessness, or sleeplessness.

Ammoniated mercury ointment. Adulteration, Section 501 (b), the article purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard in that it contained more than 4.5 percent of mercury, the maximum allowed by the standard, and its difference in strength from the standard was not plainly stated, or stated at all, on its label. Misbranding, Section 502 (a), the label statements, "Ammoniated Mercury Ointment U. S. P." and "Ammoniated Mercury U. S. P. XI," were false and misleading since the article did not consist of ammoniated mercury ointment that conformed to the requirements of the Pharmacopoeia. Further misbranding, Section 502 (a), the label statement, "A stimulant and parasiticide in cutaneous eruptions, as scabies, ringworm, exzema and porrigo," was false and misleading since it represented and suggested that the article would be an adequate treatment for cutaneous eruptions such as scabies, ringworm, eczema, and porrigo, whereas it would not be an adequate treatment for those conditions; Section 502 (f) (2), the labeling of the article failed to bear a warning that application of the article to large areas of the body might cause serious mercury poisoning; and, Section 502 (j), the article, because of its content of mercury, would be dangerous to health when used in

the treatment of scabies in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "Directions Apply with cotton or gauze on to affected parts."

Sulfur ointment. Misbranding, Section 502 (f) (1), the article was offered for the treatment of scabies, and the directions for use in such treatment, "Directions Apply directly to affected parts," appearing on the label of the article, were not adequate directions for use in the treatment of scabies.

DISPOSITION: April 18, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50 on each of counts 1 through 5 of the information and suspended sentence on count 6, which related to the misbranding of the *sulfur ointment.*

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

1853. Adulteration and misbranding of Bactratycin Antibiotic Ointment. U. S. v. 32 Jars of Bactratycin Antibiotic Ointment. Default decree of condemnation and destruction. (F. D. C. No. 17335. Sample No. 6350–H.)

LIBEL FILED: September 11, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1945, by the Wallace Laboratories, Inc., from New Brunswick, N. J.

PRODUCT: 32 jars of *Bactratycin Antibiotic Ointment* at New York, N. Y.

NATURE OF CHARGE: Section 505, the article was a new drug in that its composition was such that, as a result of investigations to determine its safety for use, it had become recognized as safe for use under the conditions prescribed, recommended, and suggested in its labeling, but it had not, otherwise than in such investigations, been used to a material extent or for a material time under such condtions; it was not, prior to June 25, 1938, subject to the Food & Drugs Act of 1906; and no application had been filed pursuant to the law which was effective with respect to the article.

Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented by the following statements to possess, since the article contained no significant proportion, if any, of gramicidin and therefore no significant proportion, if any, of tyrothricin: (Labels) "Bactratycin Antibiotic Ointment containing Tyrothricin Each gram contains 0.30 mg. Tyrothricin (gramicidin and tyrocidin)"; and (enclosed circular) "Ointment containing Tyrothricin Bactratycin * * * utilizing the gram-positive bacteria-killing properties of tyrothricin * * * employing both fractions of tyrothricin (gramicidin * * *) Activity: Tyrothricin, the active ingredient in Bactratycin * * * Potency: Each gram of Bactratycin contains 0.30 mg. tyrothricin."

Misbranding, Section 502 (a), certain statements in the circular enclosed in each package of the article were false and misleading since they represented, suggested, and implied that the article contained a significant proportion of gramicidin; that it exhibited an appreciable antibiotic activity such as would characterize a gramicidin-containing ointment; and that the article would be effective in the treatment of impetigo, pustular dermatitis, infective dermatitis, various types of ulcers, abscesses, infected wounds, and similar surface lesions caused or complicated by streptococci, staphylococci, pneumococci, or other gram-positive organisms. The article contained no significant proportion, if any, of gramicidin; it exhibited no appreciable antibiotic activity such as would characterize a gramicidin-containing ointment; and it would not be effective in the treatment of the conditions stated.

DISPOSITION: September 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1854. Action to enjoin and restrain the misbranding of drugs in interstate commerce. U. S. v. I. James Hendelberg (Southeast Pharmacy). Injunction granted. (Inj. No. 138.)

COMPLAINT FILED: March 29, 1946, District of Columbia, against I. James Hendelberg, trading as the Southeast Pharmacy, Washington, D. C.

*See also Nos. 1851, 1852.

NATURE OF CHARGE: That prior to December 20, 1945, and until the time the complaint was filed, the defendant had been holding quantities of *sulfadiazine tablets*, *sulfathiazole tablets*, and *Nembutal* (*pentobarbital sodium*) *Capsules* which had been shipped in interstate commerce in containers labeled in accordance with the law; and that within the period of December 20, 1945, to January 17, 1946, the defendant had repacked a portion of the drugs into unlabeled containers, which act of repacking resulted in the misbranding of the drugs in the following respects: Section 502 (b) (1), the drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they failed to bear labels containing accurate statements of the quantity of the contents; Section 502 (e), they failed to bear labels declaring their common or usual name; Section 502 (d), the *Nembutal Capsules* failed to bear a label containing the name and quantity or proportion of barbituric acid contained in the product and, in juxtaposition therewith, the statement, "Warning—may be habit forming"; and, Section 502 (f) (2), the drugs were without labeling bearing adequate warnings against use in those pathological conditions, or by children, wherein the use of the drug might be dangerous to health, or against unsafe dosage or methods or duration of administration.

The complaint charged further that the drugs were made for use by or under the supervision of physicians or dentists and were exempted from the requirements of the law that their labeling bear adequate directions for use; but that the acts of the defendant had caused the exemption to expire, resulting in the misbranding of the drug in violation of Section 502 (f) (1) for failure to bear such directions for use.

PRAYER OF COMPLAINT: That a temporary restraining order issue; that, after due hearing, a preliminary injunction be granted; and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: April 5, 1946. The defendant having consented to the entry of a decree, the court entered an order permanently enjoining the defendant from the commission of the acts complained of.

1855. Misbranding of sulfathiazole tablets. U. S. v. Emmons Blane Coffee (Coffee's Drug Store). Plea of guilty. Defendant fined $500 and placed on probation for 2 years. (F. D. C. No. 16597. Sample Nos. 34410–F, 64238–F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Emmons Blane Coffee, trading as Coffee's Drug Store, Columbus, Ga.

INTERSTATE SHIPMENT: On or about November 8, 1944, from Kalamazoo, Mich.

LABEL, IN PART: "1000 Compressed Tablets Sulfathiazole Upjohn 7 7/10 Grains (0.5 Gm.) 2-Sulfanilyl Aminothiazole * * * Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: On or about November 22 and December 14, 1944, the defendant removed a number of *sulfathiazole tablets* from the bottles labeled as above, repacked them into unlabeled boxes, and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), they bore no labeling containing warnings against use in those pathological conditions wherein use of the drug might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: March 4, 1946. A plea of guilty having been entered, the defendant was sentenced to pay a fine of $500 on count 1 of the information and to serve 2 years on probation on all counts, on condition that he pay the fine.

1856. Misbranding of sulfathiazole tablets. U. S. v. Henry C. Smith, Sr. (H. C. Smith's Drug Store). Plea of nolo contendere. Fine, $200. (F. D. C. No. 16598. Sample Nos. 34415–F, 64095–F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Henry C. Smith, Sr., trading as H. C. Smith's Drug Store, Columbus, Ga.

INTERSTATE SHIPMENT: Between the approximate dates of February 15 and November 20, 1944, from Bristol, Tenn.

LABEL, IN PART: "1000 Tablets Sulfathiazole 0.5 Gm Grooved Each tablet contains Sulfathiazole (2 Sulfanilyl Aminothiazole), 0.5 Gm. (7.7 grs.) * * * Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: That on or about December 14 and 15, 1944, the defendant removed a number of *sulfathiazole tablets* from the bottles labeled as above,

repacked the tablets into boxes labeled "Sulfathiazole" or "Sulfathiazole Tab—0.5 Mg.," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the box containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), the box bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: February 7, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $200.

1857. Misbranding of sulfathiazole tablets. U. S. v. Robert G. Wheeler (Wheeler's Cut Rate Drug Store). Plea of guilty. Fine, $200 on count 1; 2 years' probation on counts 2 and 3. (F. D. C. No. 16601. Sample Nos. 34412–F, 64093–F, 64213–F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Robert G. Wheeler, trading as Wheeler's Cut Rate Drug Store, at Columbus, Ga.

INTERSTATE SHIPMENT: Between the approximate dates of October 2 and 27, 1944, from Detroit, Mich.

LABEL, IN PART: "1000 C. T. No. 796 Sulfathiazole 2-Sulfanilyl Aminothiazole Compressed Tablets 0.5 Gram (7.7 Grains) Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: That on or about November 22 and December 13 and 14, 1944, the defendant removed a number of the *sulfathiazole tablets* from the bottles in which they were shipped, repacked a number of the tablets into boxes bearing the label "Sulfathiazole Tab 7–7 Gr." or "Sulfathiazole Tablets," and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the tablets bore no labeling containing directions for use; and, Section 502 (f) (2), the boxes bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: March 4, 1946. A plea of guilty having been entered, the court imposed a fine of $200 on count 1 of the information and placed the defendant on probation for 2 years with respect to counts 2 and 3.

1858. Misbranding of sulfanilamide tablets. U. S. v. Hawkins Cut Rate Drug Co. and Luther O. Hawkins. Pleas of nolo contendere. Company fined $300; individual defendant sentenced to 6 months in jail, which sentence was suspended for a period of 2 years. (F. D. C. No. 17776. Sample Nos. 64219–F to 64221–F.)

INFORMATION FILED: October 31, 1945, Western District of North Carolina, against the Hawkins Cut Rate Drug Co., a corporation, Statesville, N. C., and Luther O. Hawkins, president of the corporation.

INTERSTATE SHIPMENT: Between the approximate dates of April 11 and August 25, 1944, from New York, N. Y.

LABEL, IN PART: "APC Standard Of Quality 1000 Tablets Sulfanilamide (p-amino-benzine-sulfonamide) 5 Grains (0.324 Gram) Warning—To be used only under physician's direction."

NATURE OF CHARGE: That on or about December 2 and 4, 1944, the defendants caused a number of *sulfanilamide tablets* to be removed from the bottles labeled as above, repacked them into unlabeled boxes, and sold them without a prescription.

The information charged further that the acts of the defendants resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the boxes containing the drug bore no labeling containing directions for use; and, Section 502 (f) (2), they bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage and methods and duration of administration.

DISPOSITION: April 2, 1946. Pleas of nolo contendere having been entered, the court imposed a fine of $300 against the corporation and sentenced the individual defendant to serve 6 months in jail. The jail sentence was suspended for a period of 2 years.

1859. Misbranding of Nembutal Capsules. U. S. v. Cottage Pharmacy and Peter P. Eacmen. Pleas of guilty. Each defendant fined $200. (F. D. C. No. 17798. Sample Nos. 11354–H, 11355–H.)

INFORMATION FILED: February 19, 1946, District of Massachusetts, against Cottage Pharmacy, a partnership, Boston, Mass., and Peter P. Eacmen, a member of the partnership.

INTERSTATE SHIPMENT: Between the approximate dates of September 2 and December 7, 1944, from Chicago, Ill.

LABEL, WHEN SHIPPED: (Bottle) "100 Capsules Nembutal * * * (Pentobarbital Sodium, Abbott) Warning—May Be Habit Forming. Abbott 1½ grs. Caution—To be used only by or on the prescription of a physician or dentist."

NATURE OF CHARGE: That on or about February 15 and 21, 1945, the defendant removed the label described above from two bottles of the article, relabeled the bottles "Cottage Pharmacy Careful Prescriptionists * * * Use as directed," and disposed of the relabeled bottles of *Nembutal Capsules* to a certain individual.

The information charged further that the acts of the defendants resulted in the misbranding of the article in the following respects: Section 502 (d), the article contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and the relabeled bottles of the article bore no label containing the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming"; and, Section 502 (f) (1) (2), the relabeled bottles bore no labeling containing directions for use, and they bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage or methods or duration of administration.

DISPOSITION: March 12, 1946. Pleas of guilty having been entered, the court imposed a fine of $200 upon each defendant.

1860. Misbranding of Konjola. U. S. v. The Arner Co., Inc., and Rolla Lawry. Pleas of nolo contendere. Fines, $250 against the corporate defendant and $750 against the individual defendant. (F. D. C. No. 14313. Sample No. 39545–F.)

INFORMATION FILED: May 14, 1945, Western District of New York, against the Arner Co., Inc., Buffalo, N. Y., and Rolla Lawry.

ALLEGED SHIPMENT: On or about January 17, 1944, from the State of New York into the State of California.

PRODUCT: Examination disclosed that the product consisted essentially of an aqueous solution of vegetable extractive, including emodin, together with pepsin, glycerin, compounds of iron, calcium, and manganese, salicylate or salicylic acid, and, possibly, caramel.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in circulars entitled "Here's A Simple Explanation of Why Millions Of Bottles of Konjola Have Been Bought By People From One End Of The Country To The Other," which circulars were shipped with the article, were false and misleading since the statements represented and suggested that the article would be effective as a tonic and digestive aid; that it would be effective other than as a laxative; that it would be effective in the treatment of indigestion, gas pains, bloating, digestive upset, intestinal sluggishness, run-down conditions caused by simple anemia, and rheumatism and neuritis pains caused by intestinal or digestive sluggishness; that it would help build rich blood; that it would be effective in relieving rheumatic and digestive pain and discomfort caused by accumulated wastes and poisons; that it would be effective to expel gas, deter gas formation, and reduce bloating; that it would be effective in treating weak stomachs; that it would sharpen the appetite; that it contained iron and pepsin in sufficient quantities to be effective as a tonic and digestive aid; and that it would be effective in treating simple anemia or rheumatic pains caused by intestinal sluggishness. The article would be effective only as a laxative, and it would not produce the effects represented and suggested.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the directions which appeared on the label provided for the continued administration of a laxative; and, Section 502 (f) (2), the labeling of the drug failed to bear a warning that it should not be used when abdominal pain was present, and its labeling also failed

to warn that continued use of the article might result in dependence on a laxative to move the bowels.

DISPOSITION: May 13, 1946. Pleas of nolo contendere having been entered, the court imposed a fine of $250 against the Arner Co., Inc., and a fine of $750 against Rolla Lawry.

1861. Adulteration and misbranding of Vivogen. U. S. v. 50 Cases of Vivogen. Default decree of condemnation and destruction. (F. D. C. No. 18357. Sample No. 27859–H.)

LIBEL FILED: November 16, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about August 23, 1945, by the Vivogen Co., from Los Angeles, Calif.

PRODUCT: 50 cases, each containing 4 1-gallon bottles, of *Vivogen* at Seattle, Wash.

The product contained approximately 0.24 milligram of iodine per gallon. It was stored at a warehouse at Seattle, to the account of an agent who solicited orders and filled them directly from the warehouse. At the office of the agent was a supply of circulars entitled "The Strange Case of Richard Near," in which representations were made for the use of the product in high blood pressure, kidney degeneration, cancer, Bright's disease, and heart trouble.

LABEL, IN PART: "Vivogen Artificially Mineralized Sea and Tap Waters * * * Active Ingredients * * * Potassium Iodide, .5232 Mgms. per U. S. Gallon (3.7854 Liters), of which actual Iodine is .4 Mgms."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, iodine 0.4 milligram per gallon.

Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of high blood pressure, kidney degeneration, cancer, Bright's disease, and heart trouble.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1862. Adulteration and misbranding of posterior pituitary injection. U. S. v. 2 Boxes and 1 Box of Posterior Pituitary Injection. Default decree of condemnation and destruction. (F. D. C. No. 19258. Sample No. 8260–H.)

LIBEL FILED: On or about March 5, 1916, District of Connecticut.

ALLEGED SHIPMENT: On or about November 16, 1945, by E. R. Squibb and Sons, Biological Laboratories, from New Brunswick, N. J.

PRODUCT: 2 100-ampul boxes and 1 76-ampul box of *posterior pituitary injection* at Bridgeport, Conn. Examination showed that the potency of the product was substantially less than 10 U. S. P units of posterior pituitary per cubic centimeter and substantially less than the minimum potency specified by the United States Pharmacopoeia.

LABEL, IN PART: "Posterior Pituitary Injection Squibb U. S. P. XII 10 Units per cc."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Posterior Pituitary Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard.

Misbranding, Section 502 (a), the label statements, "10 International Units," "10 Units * * * 1 cc. size Equivalent to 10 U. S. P. XII," and "10 Units per cc. Each cubic centimeter is equivalent to 10 International Units," were false and misleading as applied to the article, the potency of which was substantially less than 10 units of posterior pituitary per cubic centimeter.

DISPOSITION: April 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

*See also Nos. 1852, 1853, 1861.

1863. Adulteration of epinephrine. U. S. v. 10 Boxes of Epinephrine. Default decree of forfeiture and destruction. (F. D. C. No. 17587. Sample No. 7552–H.)

LIBEL FILED: September 26, 1945, District of Puerto Rico.

ALLEGED SHIPMENT: On or about June 16, 1945, by the Solex Laboratories, Inc., from Brooklyn, N. Y.

PRODUCT: 10 boxes, each containing 100 ampuls, of *epinephrine* at San Juan, P. R.

LABEL, IN PART: "1 cc. Epinephrin 1:1000."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Epinephrine Hydrochloride Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

1864. Adulteration of physiological salt solution. U. S. v. 76 Vials of Physiological Salt Solution. Default decree of condemnation and destruction. (F. D. C. No. 17597. Sample No. 4282–H.)

LIBEL FILED: On or about October 2, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about August 21, 1945, by William H. Rorer, Inc., from Philadelphia, Pa.

PRODUCT: 76 vials of *physiological salt solution* at Camden, N. J.

LABEL, IN PART: (Vial) "Sterile Vial Physiological Salt Solution * * * For Parenteral Use 100 cc. size."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Physiological Salt Solution for Parenteral Use," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: October 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1865. Adulteration and misbranding of paregoric. U. S. v. 19 Packages of Paregoric. Default decree of condemnation and destruction. (F. D. C. No. 17294. Sample No. 11172–H.)

LIBEL FILED: August 23, 1945, District of Maine.

ALLEGED SHIPMENT: On or about May 16, 1945, by Brewer and Co., Inc., from Worcester, Mass.

PRODUCT: 19 packages, each containing 12 bottles, of *paregoric* at Portland, Maine. Examination showed that the product yielded, in each 100 cc., 0.05 gram of anhydrous morphine, which is greater than the proportion of anhydrous morphine specified by the United States Pharmacopoeia.

LABEL, IN PART: (Bottles) "Brewer's Paregoric U. S. P."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Paregoric," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard since each 100 cc. of the article yielded more than 0.045 gram of anhydrous morphine, the maximum allowed by the Pharmacopoeia.

Misbranding, Section 502 (a), the label statements, "Paregoric U. S. P. * * * Each fl. oz. contains: the equivalent of Powd. Opium 1.83 gr.," were false and misleading as applied to the article, which contained more than the stated quantity of opium and which did not conform to the requirements of the United States Pharmacopoeia.

DISPOSITION: February 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1866. Adulteration and misbranding of Syrup Codesin. U. S. v. 11 Dozen Bottles of Syrup Codesin. Default decree of condemnation and destruction. (F. D. C. No. 16703. Sample No. 6035–H.)

LIBEL FILED: July 18, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 23, 1945, by Brewer & Co., Inc., from Worcester, Mass.

PRODUCT: 11 dozen 2-ounce bottles of *Syrup Codesin* at Rosedale, N. Y. Examination showed that the product did not contain codeine phosphate as declared on its label, and that the bottles contained less than the declared amount.

LABEL, IN PART: (Bottle) "2 Fluid Ounces Syrup Codesin Each fluid ounce contains: Codeine Phosphate ½ Grain."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, ½ grain codeine phosphate per fluid ounce.

Misbranding, Section 502 (a), the label statement, "Each fluid ounce contains: Codeine Phosphate ½ Grain," was false and misleading; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1867. Adulteration and misbranding of Standard P–O and misbranding of Standard Dairy Cow Regulator, Standard Hog Regulator, Standard Stock Tonic, and Standard Egg-O-Day. U. S. v. Standard Chemical Mfg. Co. and John W. Gamble and Benjamin Harrison. Pleas of nolo contendere. Corporate defendant fined $60; each of the Individual defendants fined $30. (F. D. C. No. 15556. Sample Nos. 40541–F to 40543–F, incl., 40755–F, 81437–F.)

INFORMATION FILED: November 21, 1945, District of Nebraska, against the Standard Chemical Mfg. Co., Omaha, Nebr., John W. Gamble, chairman of the corporation, and Benjamin Harrison, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of May 5 and October 11, 1944, from the State of Nebraska into the States of Wisconsin and Illinois.

PRODUCT: Analyses disclosed that the *Standard P–O* consisted essentially of water containing sodium hydroxide, creosote, with small quantities of oil of chenopodium, potassium iodide, and kamala; and that it did not contain nux vomica as declared on its label. The *Cow Regulator* consisted essentially of salt (36.78 percent) and calcium carbonate, with small amounts of iron oxide, calcium phosphate, manganese, potassium, and plant material. The *Hog Regulator* consisted essentially of sodium sulfate and salt (32.05 percent), with small amounts of thiosulfate, carbonate, sulfur, charcoal, iron sulfate, quassia, nux vomica, and antimony sulfide. The *Stock Tonic* consisted essentially of salt, sodium sulfate, calcium carbonate, calcium phosphate, charcoal, and small amounts of sodium bicarbonate, free sulfur, iron, and plant material, including a strychnine-bearing drug, together with anise and fenugreek. The *Egg-O-Day* consisted essentially of salt (18.67 percent) and the carbonates, sulfates, phosphates, and oxides of calcium, iron, copper, and manganese, with a small amount of yeast and minute amounts of iodide and a strychnine-bearing drug.

NATURE OF CHARGE: *Standard P–O.* Adulteration, Section 501 (c), the strength of the article differed from and its quality fell below that which it was represented to possess, in that it was represented as containing nux vomica, whereas it contained no nux vomica. Misbranding, Section 502 (a), certain statements on the label were false and misleading since they represented and suggested that the article contained nux vomica; that it would be efficacious in the cure, mitigation, treatment, and prevention of weakness caused by diseases, worms, overfeeding, underfeeding, and other causes; that it would be efficacious to get hogs and poultry back into shape; that it would be efficacious in the reconditioning of run-down hogs and poultry; that it would be efficacious in combating worms; that it would aid in eliminating worms; and that it would be efficacious as a tonic and conditioner for "poor doing" hogs and poultry. The article did not contain nux vomica, and it would not be efficacious for the purposes represented.

Standard Dairy Cow Regulator. Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious as a cow regulator; that it would be efficacious to maintain and increase milk yield; and that it contained not more than 10 percent of salt. The article contained not less than 36.78 percent of salt, and it would not be efficacious for the purposes represented.

Standard Hog Regulator. Misbranding, Section 502 (a), certain statements on the label of the article and in an accompanying circular entitled "Directions for Feeding Standard Hog Regulator," were false and misleading since they

represented and suggested that the article would be efficacious as a hog regulator; that it would improve the thrift and regulate the bowels of hogs and assist in keeping them free from worms; that it would aid in preventing disease in hogs; that it would be efficacious to build the frame of pigs and to fatten pigs; that it would absorb fermentative gases; that it would act as an alterative; that it would exert a toxic action on intestinal parasites; that it would sweeten the stomach, prevent fermentation, and reduce toxicity of some poisonous compounds; that it would act as a bowel regulator; that it was a nerve food and tonic which was especially good for sows down in the back; that it would build blood corpuscles and make the system vigorous; that it was of value in the treatment of seatworms (pinworms); that it would deaden intestinal worms so that they could be passed out; and that it contained not more than 10 percent of sodium chloride (salt). The article contained not less than 32.05 percent of sodium chloride, and it would not be efficacious for the purposes represented.

Standard Stock Tonic. Misbranding, Section 502 (a), certain statements in the circulars entitled "Standard Stock Tonic, Directions For Use," which accompanied the article, were false and misleading since they represented and suggested that the article would make the feed more palatable to horses, improve the digestion, and give more vigor, better spirits, greater endurance, and a smooth, glossy coat to horses; that it would build up the milk yield in cows and would be especially valuable for breeding troubles in dairy cows; that it would expel worms of hogs, keep hogs in splendid condition, put hogs in fine finish, and keep them on a heavy feed in condition; that it would be especially valuable for stomach worms of sheep; that it would sustain and strengthen the sheep at lambing time; that it would be efficacious to keep young stock thrifty and promote growth; that it would be efficacious as a worm expeller and stomach tonic; that it would be valuable as a strength builder; that it would purify the blood, remove and prevent skin eruptions caused by impure blood, prevent hyperacidity, and sweeten the stomach; that it would act as a nerve tonic and invigorate the functioning of every bodily organ; that use of the article was necessary to prevent breeding troubles; that the article would build up milk production, prevent weak calves, colts, and pigs, overcome breeding troubles, and build bone; that the article would overcome and prevent constipation; that it would act as a diuretic on kidney, liver, and bowels; that the article would be effective as an adjunct to worm expellers; that it would aid digestion and help formation of red corpuscles; that it would absorb gases in the stomach and intestines; that it was a tonic and conditioner; and that it would furnish in the right balance the supplements required by cattle and horses for worm expellers, tonics, conditioners, bowel regulators, and appetizers. The use of the article was not necessary to prevent breeding troubles; it was not a tonic and conditioner; and it would not be efficacious for the purposes represented.

Standard Egg-O-Day. Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious to cause hens to lay one egg a day; and that the article contained not more than 10 percent of sodium chloride (salt). The article contained not less than 18.69 percent of sodium chloride, and it would not be efficacious to cause hens to lay one egg a day.

DISPOSITION: March 1, 1946. Pleas of nolo contendere having been entered, the corporate defendant was fined $10 on each of the 6 counts of the information, and each of the individual defendants was fined $5 on each of the 6 counts.

1868. Adulteration and misbranding of soap. U. S. v. 557 Dozen Cakes of Soap. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17619. Sample No. 3131-H.)

LIBEL FILED: September 28, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about August 24, 1945, from New York, N. Y., by the New Brunswick Laboratories.

PRODUCT: 557 dozen cakes of *soap* at Washington, D. C.

LABEL, IN PART: "Castile Soap U. S. P."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be hard soap, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it contained more alkali hydroxides and alkali carbonates than the limits specified for hard soap by the Pharmacopoeia.

Misbranding, Section 502 (a), the statements in the labeling of the article, "Soap U. S. P." and "Made from pure olive oil * * * The U. S. P.—100% pure olive oil soap," were false and misleading as applied to the article, which was not made from olive oil and which did not comply with the requirements of the Pharmacopoeia for alkali hydroxides, alkali carbonates, iodine value and solidifying point of the combined fatty acids, and the limit of saturated acids.

DISPOSITION: December 3, 1945. The New Brunswick Laboratories, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repackaging and relabeling under the supervision of the Federal Security Agency.

1869. Adulteration and misbranding of gauze pads. U. S. v. 46 Boxes of Gauze Pads. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17314. Sample No. 3645-H.)

LIBEL FILED: August 24, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about June 15, 1945, by the Handy Pad Supply Co., from Worcester, Mass.

PRODUCT: 46 boxes of gauze pads at Baltimore, Md. Examination showed that the product was not sterile but was contaminated with living micro-organisms.

LABEL, IN PART: (Boxes) "100 M-B Gauze Pads Absorbent Size 12"x18" Gauze Folded 3"x3" * * * Sterilized After Packaging."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Sterile Absorbent Gauze [Sterile Gauze]," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile.

Misbranding, Section 502 (g), the article was not labeled as is prescribed in the Pharmacopoeia, since the type of gauze was not stated on the label.

DISPOSITION: November 16, 1945. The Handy Pad Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be resterilized and relabeled under the supervision of the Food and Drug Administration.

1870. Adulteration and misbranding of gauze. U. S. v. 150 Boxes and 400 Boxes of Gauze. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17032, 17163. Sample Nos. 7217-H, 29086-H.)

LIBEL FILED: August 9 and 23, 1945, Northern District of New York and Northern District of California.

ALLEGED SHIPMENT: On or about May 4 and 11, 1945, by Allen Laboratories, Inc., from Palmer, Mass.

PRODUCT: 150 boxes and 400 boxes, each containing 500 units, of *gauze* at Binghamton, N. Y., and San Francisco, Calif., respectively.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Sterile Absorbent Gauze [Sterile Gauze]," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile but was contaminated with living micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterilized" was false and misleading.

DISPOSITION: April 23 and May 17, 1946. Allen Laboratories, Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and resterilized under the supervision of the Federal Security Agency.

1871. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross and 47 Gross of Prophylactics. Default decrees of destruction. (F. D. C. Nos. 17551, 18052. Sample Nos. 18417-H, 47470-H.)

LIBELS FILED: October 27, 1945, and February 28, 1946, District of Minnesota and District of Utah.

ALLEGED SHIPMENT: On or about October 8, 1945, and January 7, 1946, by the Akron Drug and Sundries Co., from Akron, Ohio.

PRODUCT: 22 gross of *prophylactics* at Salt Lake City, Utah, and 47 gross of *Prophylactics* at Minneapolis, Minn. Examination of samples disclosed that 3.7 percent of those from the Minnesota lot and 7.9 percent of those from the Utah lot were defective in that they contained holes.

LABEL, IN PART: "Napoleons [or "Derbies"] Manufactured for Jay Dee Drug Co., Chicago, Ill., by the Killian Manufacturing Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement, "for prevention of disease," was false and misleading as applied to an article containing holes.

DISPOSITION: December 17, 1945, and April 5, 1946. No claimant having appeared, judgments were entered ordering that the product be destroyed.

1872. Adulteration and misbranding of prophylactics. U. S. v. 63½ Gross and 26½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 17517. Sample Nos. 23644–H, 23645–H.)

LIBEL FILED: February 25, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about June 24, 1945, by the World Merchandise Exchange, from New York, N. Y.

PRODUCT: 90 gross of *prophylactics* at Houston, Tex. Examination of samples indicated that 5 percent of the product was defective in that it contained holes.

LABEL, IN PART: "Lloyd's Made from Liquid Latex," and "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported to possess.

Misbranding, Section 502 (a), (portion) the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: April 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1873. Misbranding of sea water (Cal-O-Dine). U. S. v. 17 Bottles of Sea Water. Default decree of condemnation and destruction. (F. D. C. No. 17577. Sample No. 27976–H.)

LIBEL FILED: October 4, 1945, District of Oregon.

ALLEGED SHIPMENT: From Alameda, Calif., by Cal-O-Dine. The product was shipped on or about June 22, 1945, and a number of leaflets were shipped on or about February 1, 1945.

PRODUCT: 17 ½-gallon bottles of sea water at Eugene, Oreg., together with a number of leaflets headed "The Mysterious ingredient of sea-water." Analyses indicated that the product was sea water.

LABEL, IN PART: "Sea Water Sold Under Trade Name of Cal-O-Dine."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "To supply trace minerals naturally occurring in sea water," was misleading since it represented and suggested that such trace minerals would have some nutritional or medicinal effect upon the user when the article was consumed in accordance with the directions upon the label, whereas those trace minerals would not have that effect, and the misleading effect of the statement was not corrected by the modifying phrase, "though in nutritionally non-significant amounts"; the label statement, "A difference in medical and nutritional opinion exists contrary to representations of value of this product. In favor of the value of trace minerals contained in sea water are the opinions of various medical and nutritional experts qualified by scientific training to evaluate," were false and misleading since there is no difference of opinion among qualified medical and nutritional experts with reference to the uselessness of sea water taken in accordance with the instructions specified on the label, either as a dietary supplement or as a remedial agent; and the entire labeling of the article was misleading in the absence of a statement of the fact, material in the light of the labeling, that the article would serve no useful purpose either as a nutritional adjuvant or as a drug when consumed in accordance with the directions on the label.

Further misbranding, Section 502 (a), the following statements in the leaflet, when read in connection with the label directions for ingestion of sea water,

*See also Nos. 1852, 1853, 1859, 1862, 1865–1868, 1870–1872.

were misleading since they created the impression that the ingestion of sea water would serve some useful purpose, whereas ingestion of sea water would serve no useful purpose: "The Mysterious ingredient of sea-water, which must be present in addition to the salts and minerals of sea-water, has long been a subject of interest for marine biologists. The lack of this ingredient in artificial sea-water results in inability of the aquarium to support marine life. The inorganic composition of sea-water is, in general terms, similar to the composition of extracellular fluids in the body. Like the body, the ocean maintains a constant osmotic, ionic and acid-base structure and a nearly constant temperature, and it uses for these purposes the same materials as those found in the body. The concentration of the minerals in sea-water is over three times that of the blood serum."

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1874. Misbranding of Poland Water. U. S. v. 900 Bottles of Poland Water and 200 Booklets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17745. Sample No. 2935–H.)

LIBEL FILED: October 4, 1945, District of Columbia.

PRODUCT: 300 ½-gallon bottles, 400 1-quart bottles, and 200 12-ounce bottles of *Poland Water*, offered for sale by Magruder, Inc., at Washington, D. C., together with 200 accompanying booklets entitled "Let Me Tell You What Poland Water Can Do For You." Examination showed that the product was a slightly mineralized water.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and designs in the booklets were false and misleading since they represented and suggested that the article would be effective in the treatment of illness regarded as incurable, pain due to gravel (uric acid calculi), stiffness of joints, kidney and bladder troubles, heart trouble, artery and kidney changes, dyspeptic troubles, any disease accompanied by hardening of tissue, scanty secretion of the kidneys, stomach ailments and digestive trouble, hepatic and renal calculi, sluggish bowel action, headache, depression, nausea, difficulties involving the functioning of the kidneys, prostate gland, or urinary passages, and albuminuria of pregnancy. The labeling further represented and suggested that the article would speed recovery in many diseases, from colds to pneumonia; that it would keep the kidneys, lungs, and pores efficient; that it would enable one to know the thrill of being fully alive, keen, alert, and ready for strenuous problems; that it would supply liquid energy; that it would assure that vital food elements would be carried to the cells; that it would insure better assimilation and elimination; that it would help the blood to repair body damage; that it would normalize the colon; and that it was an answer to health problems and would be effective to maintain health. The article would not be effective for such purposes.

DISPOSITION: October 25, 1945. Hiram Ricker & Sons, Poland Springs, Maine, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

1875. Misbranding of lime juice. U. S. v. 1,811 Cases of Lime Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18998. Sample No. 8160–H.)

LIBEL FILED: January 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Seminole Fruit & Preserving Co., Inc., from Little River, Fla.

PRODUCT: 1,811 cases, each containing 24 bottles, of *lime juice* at New York, N. Y. A recipe sheet was wrapped around each bottle.

LABEL, IN PART: (Bottle label) "Cobbs Lime Juice Natural Full Strength Unsweetened Use the same as fresh fruit juice, as this is Undiluted Lime Juice No Artificial Coloring or Flavor is used. Contains 1/10 of 1% Sodium Benzoate as a preservative * * * Net Contents 6 Fl. Ozs."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement on the bottle label, "It has more important Citric Acid than any other Fruit Juice," was misleading since it suggested that the citric acid content of the article was of

some nutritional or therapeutic significance, whereas it was not of nutritional or therapeutic significance.

Further misbranding, Section 502 (a), the following statements on the wrapper were false and misleading since the article was not pure lime juice but contained added benzoate of soda; the article would not be effective to produce good health and to prevent or correct the conditions stated and implied; and it would not be effective for reducing: "Pure Lime Juice—For Good Health! * * * Health Hint * * * an aid to sharpen jaded appetites. * * * Men and women inclined towards obesity have found a natural healthful medium for reducing * * * recognized as a natural remedy for many ills of the body. Very few people truly understand its therapeutic value to good health. * * * beneficial to good health. * * * Dermatologists have found that pure Lime Juice may be used in the treatment of various skin diseases caused by impure blood * * * Pure Lime Juice in treating Arthritis, Rickets, Rheumatism and Scurvy * * * Pure Lime Juice will activate sluggishness and help in the elimination of uric acid from the human body * * * Lime Juice in water on rising and retiring will help in reducing overweight. Countless women and men have discovered this gentle, natural aid to obesity."

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: April 3, 1946. The Seminole Fruit & Preserving Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1876. Misbranding of Digestive Tablets and Roundworm Tablets. U. S. v. 69 Bottles of Roundworm Tablets and 342 Bottles of Digestive Tablets. Default decree of condemnation and destruction. (F. D. C. No. 17290. Sample Nos. 22495–H, 22496–H.)

LIBEL FILED: August 22, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 24, 1944, and July 29, 1945, by the J. R. Watkins Co., from Winona, Minn.

PRODUCT: 69 125-tablet bottles of *Roundworm Tablets* and 342 75-tablet bottles of *Digestive Tablets* at Bloomington, Ill.

Examination showed that the *Roundworm Tablets* contained 0.41 grain of nicotine sulfate in each tablet; and that the *Digestive Tablets* consisted essentially of calcium and magnesium carbonates, with negligible proportions, if any, of papain, pancreatin, and pepsin.

LABEL, IN PART: "Roundworm Tablets For Poultry [or "Digestive Tablets"] * * * Distributed by G. C. Heberling Co., Bloomington, Ill."

NATURE OF CHARGE: *Roundworm Tablets*, Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article, when used as directed, would be effective to remove any species of roundworm that infests poultry, whereas the article would not be effective for such purpose.

Digestive Tablets, Misbranding, Section 502 (a), the label designation "Digestive Tablets" was misleading since the product possessed no significant digestive properties; the label statement, "Heberlings Digestive Tablets are helpful as a temporary relief in cases of acid indigestion, dyspepsia * * * fermentation," was misleading since the article would not accomplish the results implied; and the label statement, "Active Ingredients: Papain, pancreatin, pepsin," was misleading since the article possessed no significant proportions of the drugs named.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1877. Misbranding of Pursin Hematinic & Stomachic Tonic. U. S. v. 34 Cases of Pursin Hematinic & Stomachic Tonic and approximately 6,000 leaflets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16708. Sample No. 7265–H.)

LIBEL FILED: July 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: By McKesson and Robbins, Inc. The product was shipped from Bridgeport, Conn., on or about April 11, 1945, and the leaflets were shipped from New York, N. Y., on or about March 30, 1945.

PRODUCT: 34 cases, each containing 1 dozen bottles, of *Pursin Hematinic & Stomachic Tonic* at Bergenfield, N. J., together with approximately 6,000 leaflets entitled "Here's Important News About That 'Tired' Feeling."

LABEL, IN PART: "Pursin Hematinic & Stomachic Tonic With Vitamins B_1 and G (B_2) and Iron," and "Iron & Ammonium Citrates, Sodium Glycerophosphate, Thiamine Hydrochloride, Riboflavin, Tincture of Gentian Root and Tincture of Calumba * * * The suggested daily dose (1½ fluidounces) represents: 357 milligrams of Iron * * * 333 U. S. P. Units Vitamin B_1 (Thiamine Hydrochloride) 0.5 Milligram (500 Micrograms of Riboflavin)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading since they represented and suggested that the article would be effective to prevent or correct tiredness, irritability, nervousness, poor appetite, improper food assimilation, poor digestion, or listlessness in children. The article would not be effective for those purposes.

DISPOSITION: March 11, 1946. McKesson and Robbins, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned upon the destruction of the leaflets under the supervision of the Food and Drug Administration.

1878. Adulteration and misbranding of Major B Complex Vitamin Tablets. U. S. v. 85 7/12 Dozen Packages and 288 Cartons of Major B Complex Vitamin Tablets. Default decrees of condemnation and destruction. (F. D. C. Nos. 17391, 17564. Sample Nos. 11581–H, 20266–H.)

LIBELS FILED: On or about September 19 and October 9, 1945, District of Kansas and District of Vermont.

ALLEGED SHIPMENT: Between the approximate dates of February 13 and April 4, 1944, by Major Vitamins, Inc., from New York, N. Y.

PRODUCT: *Major B-Complex Vitamin Tablets.* 190 dozen 24-tablet boxes, 19½ dozen 48-tablet boxes, 159¼ dozen 100-tablet boxes, and 4¾ dozen 200-tablet boxes in various lots at Wichita, Kans., and Brattleboro, Vt.

LABEL, IN PART: "Major B Complex Brand Natural Vitamin Tablets * * * Each Tablet Thiamine (Vitamin B_1) .333 Milligrams * * * Niacin 0.166," or "Major B Brand Natural B-Complex Vitamins * * * 3 Major B-Complex tablets daily provide * * * 0.5 milligrams Niacin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels and in accompanying circulars entitled "Buoyant Health For All The Family" were false and misleading since they represented and suggested that the article would be effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, and insurance from vitamin deficiencies; that it would promote physical well-being; that it would afford protection against frequent colds, constipation, fatigue, digestive upsets, and other common ills; that it would provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; that there are widespread dietary deficiencies that would be corrected by use of the article; that it contained nutritionally significant amounts of all vitamins of the B complex; and that foods are unreliable sources of vitamins and that, therefore, it is desirable, if not necessary, to use the article to supplement the ordinary diet. The article would not be effective for the purposes represented; it would not provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; there are not widespread dietary deficiencies that would be corrected by use of the article; and it did not contain nutritionally significant amounts of all vitamins of the B complex. Furthermore, foods are reliable sources of vitamins, and it is not desirable, or necessary, to use the article to supplement the ordinary diet.

The article was also alleged to be misbranded, and a portion was alleged to be adulterated, under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 21, 1945, and January 21, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1879. Misbranding of Golden Brand Soi-Jus (soya oil). U. S. v. 42 Cans and 33 Cans of Soi-Jus, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No. 18667. Sample No. 36678–H.)

LIBEL FILED: December 28, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 15, 1942, December 26, 1944, and January 13 and October 9, 1945, by the Soi-Jus Co., from Chicago, Ill.

PRODUCT: 42 1-pint cans and 33 1-quart cans of *Soi-Jus* at Seattle, Wash., together with a number of circulars entitled "Drink Golden Brand Soi-Jus." Examination showed that the product consisted essentially of soybean oil.

LABEL, IN PART: (Can) "Golden Brand Soi-Jus * * * a Good Source for: Phospholipins:-lecithin and cephalin; Non-saturates-linoleic and linolenic acids; Sterols- * * * It is pressed * * * to preserve the essential and protective food factors contained in the soya oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the can label and in accompanying circulars were false and misleading since they represented and suggested that the article contained rare nutritional factors such as phospholipins, nonsaturated fatty acids, and sterols that are not readily available from common foods; that those substances are essential to maintain normal nutrition and are of special value in maintaining proper functioning of all living tissues, including the brain, heart, muscles, kidneys, bone marrow, and liver; that the article would supply substances of special value in hormone production; that it was a nutritionally significant source of vitamins D, E, F, and K; and that the article was nonfattening. The article did not contain rare nutritional factors, and such substances as phospholipins and nonsaturated fatty acids and sterols are found in abundant quantities in a wide variety of common foods. The article would not supply substances of special value in hormone production, and it would be a nutritionally insignificant source of vitamins D, E, F, and K. Furthermore, it was fattening.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1880. Misbranding of Bonaid Tablets. U. S. v. 139 Bottles and 22 Bottles of Bonaid Tablets. Default decree of condemnation and destruction. (F. D. C. No. 17341. Sample No. 31228–H.)

LIBEL FILED: September 10, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 25, 1945, by the L. M. and W. Products Co., from Detroit, Mich.

PRODUCT: 139 100-tablet bottles and 22 600-tablet bottles of *Bonaid Tablets* at Los Angeles, Calif. Examination indicated that the product contained, among other things, approximately 117 milligrams of calcium and 54 milligrams of phosphorus per tablet.

LABEL, IN PART: "Bonaid 100 [or "600"] Tablets Each Tablet contains natural Bone Phosphate (supplying Calcium, Phosphorus, * * *), plus 200 U. S. P. Units of Vitamin D Synthetic in a base of suitable excipients."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Bonaid Tablets aid in building sound teeth, nails and bones * * * an effective aid in the prevention of tooth decay * * * an important factor in the prevention of tooth decay," were false and misleading since the article would not be effective to build sound teeth, nails, and bones, or to prevent tooth decay.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1881. Misbranding of Tescum Powders. U. S. v. 286 Packages and 46 Packages of Tescum Powders. Decrees of condemnation and destruction. (F. D. C. Nos. 12679, 18661. Sample Nos. 40746–F, 24889–H.)

LIBELS FILED: August 11, 1944, and December 18, 1945, Western Districts of Wisconsin and Texas.

ALLEGED SHIPMENT: On or about December 19, 1942, and September 10 and November 7, 1945, by the Tescum Co., from Cleveland, Ohio.

PRODUCT: 286 packages and 46 packages of *Tescum Powders* at La Crosse, Wis., and San Antonio, Tex., respectively. Examination showed that the product

consisted essentially of tartar emetic, ammonium chloride, gold and sodium chloride, and sugar.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "Chronic Alcoholism is medically recognized as a disease," was false and misleading in that it represented and suggested that the article would be effective in the treatment of alcoholism, whereas the article would not be effective for such purpose; and the name of the article, "Tescum Powders," was misleading since it has for many years been associated with a product represented as a treatment for alcoholism.

DISPOSITION: January 25 and May 1, 1946. Edna Brown, claimant for the Wisconsin lot, having consented to the entry of a decree without admitting the allegations of the libel, and no claimant having appeared for the Texas lot, judgments of condemnation were entered and the product was ordered destroyed.

1882. Misbranding of Reiner's Rinol. U. S. v. Paul J. Reiner (Reiner Medicine Co.). Plea of guilty. Fine, $250. (F. D. C. No. 17871. Sample No. 13056–H.)

INFORMATION FILED: May 13, 1946, Southern District of Ohio, against Paul J. Reiner, trading as the Reiner Medicine Co., Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about March 14, 1945, from the State of Ohio into the State of Kentucky.

PRODUCT: Analysis of a sample of the article showed that it consisted essentially of sodium salicylate, potassium iodide, sodium citrate, alcohol, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Recommended for the Relief of transitory muscular aches and pains due to fatigue and exertion, sometimes caused by Rheumatism, Arthritis or Neuritis," and certain statements in the circulars entitled "Reiner's Rinol," which were shipped with the article, were false and misleading, since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of rheumatism, arthritis, neuritis, and kindred ailments; that the article would be efficacious to eliminate acid from the system and poisons from the body; that it was a mild nerve sedative; that it was an alterative; and that it would relieve all pains of arthritis. The article was not a mild nerve sedative nor an alterative, and it would not be efficacious for the purposes represented.

DISPOSITION: June 14, 1946. A plea of guilty having been entered, the court imposed a fine of $250.

1883. Misbranding of Lock's Medicinal Balm, Medicinal Foot and Body Powder, Corn Callous Remover, and Improved Foot Soap. U. S. v. 78 Jars of Lock's Medicinal Balm, 78 Cans of Lock's Medicinal Foot and Body Powder, 117 Bottles of Lock's Corn Callous Remover, 72 Bars of Lock's Improved Foot Soap, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 17623. Sample Nos. 6675–H to 6678–H, incl.)

LIBEL FILED: October 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: By Lock's Laboratories, from New York, N. Y. The products were shipped on or about July 29, 1945, and the printed matter was shipped on or about July 24, 1945.

PRODUCT: 19 15-ounce jars and 59 5-ounce jars of *Lock's Medicinal Balm*, 78 cans of *Lock's Medicinal Foot and Body Powder*, 117 bottles of *Lock's Corn Callous Remover*, and 72 bars of *Lock's Improved Foot Soap* at Irvington, N. J., together with a number of coupons entitled "Valuable Coupon" and display cards entitled "How to Take Care of Your Feet," "How Foot Troubles Affect the Whole System—Property of Locks Laboratories," and "How Foot Troubles Affect the Whole System—Twitty Bros."

Examination disclosed that the *Medicinal Balm* consisted essentially of water and stearic acid, with small proportions of menthol, eucalyptus, and oxyquinoline sulfate; that the *Medicinal Foot and Body Powder* consisted essentially of boric acid, with minute proportions of oxyquinoline sulfate and salicylic acid; that the *Corn Callous Remover* consisted essentially of alcohol, ether, camphor, collodion, and salicylic acid; and that the *Foot Soap* consisted essentially of soap, with small proportions of perfume and an iodide.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the coupons and two of the display cards were false and misleading since they represented and suggested that the articles would be effective in the relief of ingrowing nails and bunions; and that various disorders of the body, such as

nervousness, stooped shoulders, backache, pelvic disorders, leg pains, pain in knees, pain in legs, varicose veins, rheumatic pains, bunions, ingrown toenail, flatfoot, cramped toes and tender heel, nerve exhaustion, fatigue, and body inefficiency may be prevented and corrected through the application of medications to the feet. The articles would not be effective in the relief of ingrowing nails and bunions, and the various disorders of the body stated and implied may not be prevented and corrected through the application of medications to the feet.

Further misbranding, Section 502 (a), certain statements on one of the display cards were false and misleading since they represented and suggested that the *Medicinal Balm* and the *Corn Callous Remover* would be effective in the treatment of ingrown toenails, bunions or inflamed joints, psoriasis, acne, eczema, rheumatism, lumbago of the back, chest and head colds, and poor circulation, whereas they would not be effective for those purposes; the statement on the label of the *Medicinal Balm*, "An aid in the relief of discomforts from certain types of Rheumatics," was false and misleading since the article would not be effective in the relief of rheumatism; and the statements on the label of the *Foot Soap*, "contains * * * Iodine * * * Corns, Callouses and Bunions are eased by its use," were false and misleading since the article contained no free iodine, and it would not be effective for corns, callouses, and bunions.

DISPOSITION: October 29, 1945. No claimant having appeared, judgment of condemnation was entered and the products and printed matter were ordered destroyed.

1884. Misbranding of Pine Forest Pomade. U. S. v. 69 Bottles of Pine Forest Pomade. Default decree of condemnation and destruction. (F. D. C. No. 19220. Sample No. 12657–H.)

LIBEL FILED: February 18, 1946, District of Maine.

ALLEGED SHIPMENT: On or about December 3, 1945, by the Emarco Co., from Boston, Mass.

PRODUCT: 69 bottles of *Pine Forest Pomade* at Bangor, Maine. Examination showed that the product consisted essentially of petrolatum colored red and perfumed with oil of lavender.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Pine Forest * * * odor of balsam. It promotes the growth of the hair," were false and misleading since the article contained no ingredients derived from pine; it did not have the odor of balsam; and it would not be effective in promoting the growth of the hair.

DISPOSITION: May 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1885. Misbranding of Miracle-Aid. U. S. v. 30 Bottles of Miracle-Aid. Default decree of condemnation and destruction. (F. D. C. No. 19382. Sample No. 49047–H.)

LIBEL FILED: March 22, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about September 25, 1945, by the American Beauty Products Co., from Dallas, Tex.

PRODUCT: 30 bottles of *Miracle-Aid* at New Orleans, La. Samples taken from other shipments of the product were found to consist essentially of water, with small proportions of soapy material, gum, and perfume.

LABEL, IN PART: "Miracle-Aid for Wrinkles and Double Chin * * * Miracle Products * * * Chicago, Illinois."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Miracle-Aid for Wrinkles and Double Chin," were false and misleading.

DISPOSITION: May 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1886. Misbranding of first-aid bands. U. S. v. 237 Boxes of First Aid Bands. Default decree of condemnation and destruction. (F. D. C. No. 19161. Sample Nos. 8406–H, 8407–H.)

LIBEL FILED: February 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 30 and December 3, 1945, by The Wallich Laboratories, from Los Angeles, Calif.

PRODUCT: 237 boxes of *first-aid bands* at New York, N. Y. Examination of samples disclosed that the product was not sterile but was contaminated with living micro-organisms.

LABEL, IN PART: (BOX) "100 Transparent Clear First Aid Bands."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "First Aid Bands" was false and misleading as applied to the article which was not suitable for first-aid purposes because of its contamination with micro-organisms.

DISPOSITION: March 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1887. Misbranding of adhesive strips. U. S. v. 26 Cartons of Adhesive Strips. Default decree of condemnation and destruction. (F. D. C. No. 19366. Sample No. 59813–H.)

LIBEL FILED: March 20, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 23, 1945, by the National First Aid Supply Co., from New York, N. Y.

PRODUCT: 26 cartons, each containing 6 dozen *adhesive strips* at Pittsburgh, Pa.

LABEL, IN PART: "National Adhesive Strips Ready for Use ¾" x 3" Quick Aid."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Adhesive Strips" was false and misleading as applied to the article, which possessed no adhesive properties.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1888. Misbranding of heat lamps. U. S. v. 75 Devices called both Mir-A-Kal Ray Health Lamps and Eastman Filtered Infra-Red Heat Lamp, and a number of circulars. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18359. Sample No. 16022–H.)

LIBEL FILED: November 13, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: By the J. H. Eastman Co., from Detroit, Mich. The lamps were shipped on or about April 23 and September 21, 1945. Some circulars were shipped with the lamps, and the remainder were shipped on various dates during 1945.

PRODUCT: 75 of the above-named devices at Milwaukee, Wis.; also approximately 500 circulars entitled "Eastman Filtered Infra-Red Heat Lamp. The Safe and Modern Way to apply Heat Therapeutically," approximately 1,000 circulars entitled "Eastman Mir-A-Kal Ray Health Lamp," and approximately 1,000 circulars entitled "The Eastman Filtered Infra-Red Heat Lamp. A scientifically Improved Principle in Heat Therapy."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the circulars were false and misleading since they represented and suggested that the application of heat (infrared radiations) by use of the article would be effective in the treatment of, and would bring relief from, congestion, sinus infection, head colds, coughs, arthritis, neuritis, catarrh, backache, lumbago, bronchitis, sciatica, rheumatism, and aches and pains caused by congestion and resultant break-down in circulation; that it would be effective in the treatment of, and would bring relief in, sore throat, acne, menstrual pains, dental pain and pain generally; and that it would restore and maintain radiant health and would aid in healing after dental extraction. The application of heat (infrared radiations) would not be effective in bringing about the benefits claimed for the article.

DISPOSITION: February 6, 1946. The J. H. Eastman Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be withheld from sale until the circulars were revised to comply with the law, or destroyed, under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE*

1889. Misbranding of Goat Powder Rx No. 77, Udderine, Udder Balm, Worm Seed Rx No. 89, Worm Seed Rx for Goats and Kids, and Goat Kidding Rx. U. S. v. Dr. David Roberts Veterinary Co., Inc., Dr. David Roberts, and Lorimer D. Blott. Pleas of nolo contendere. Corporate defendant fined $1,500; each individual defendant fined $250. (F. D. C. No. 15508. Sample Nos. 61266–F, 71072–F, 71074–F, 71075–F, 79060–F, 79061–F.)

INFORMATION FILED: June 13, 1945, Eastern District of Wisconsin, against the Dr. David Roberts Veterinary Co., Inc., Waukesha, Wis., and Dr. David Roberts and Lorimer D. Blott, president and secretary, respectively, of the corporation.

*See also Nos. 1867, 1876.

ALLEGED SHIPMENT: Between the approximate dates of April 3 and June 17, 1944, from the State of Wisconsin into the States of Louisiana, Oregon, and Michigan.

PRODUCT: Analyses of samples gave the following results: The *Goat Powder Rx No. 77* consisted essentially of plant material, iron sulfate, charcoal, sulfur, boric acid, copper sulfate, phenothiazine 1.2 percent, nicotine 0.18 percent, rosin, and a nitrate; the *Udderine* was an emulsion containing chloroform, soap, ammonium chloride, water, and aromatics, including turpentine; the *Udder Balm* was an ointment composed of saponifiable and unsaponifiable fatty matter, together with volatile oils, including turpentine and oils of eucalyptus and sassafras; the *Worm Seed Rx No. 89* was composed essentially of powdered vegetable tissue, together with phenothiazine, nicotine, traces of volatile oils, and mineral compounds, including compounds of copper, ferrous iron, potassium nitrate, sulfate, and borate; the *Worm Seed Rx for Goats and Kids* consisted essentially of plant material, wormseed, anise, iron sulfate, copper sulfate, sulfur, charcoal, boric acid, rosin, saltpeter, phenothiazine 1.4 percent, and nicotine 0.095 percent; and the *Goat Kidding Rx* consisted essentially of plant material, including nux vomica, sodium chloride, sulfur, epsom salt, borax, rosin, carbolic acid, and starch.

NATURE OF CHARGE: *Goat Powder Rx No. 77.* Misbranding, Section 502 (a), the label statements, "Goat Powder Rx No. 77 To Medicate Salt for Goats * * * 'Worm' Themselves * * * Medicate all salt given to goats the year around, as they are daily exposed to worm eggs in hay or grass. Mix contents of this can with 36 pounds of common salt or 12 pounds with 150 pounds of salt and place it where the goats can have free access to it daily," were false and misleading in that they represented and implied that the article would be efficacious in the cure, mitigation, treatment, and prevention of worms which infest goats. The article would not be efficacious for such purpose. Further misbranding, Section 502 (a), the label statement, "Ingredients: Phenothiazine American Worm Seed Quassia Tobacco Male Fern," was misleading in that it represented and implied that the article contained a sufficient amount of phenothiazine and nicotine, the active principle of the ingredient tobacco, to be effective when used as directed in the cure, mitigation, treatment, and prevention of worms which infest goats; and that American wormseed, quassia, and male fern would be efficacious for such purposes. The article did not contain sufficient phenothiazine and nicotine to be effective, when used as directed, against worms which infest goats; and American wormseed, quassia, and male fern would not be efficacious for such purpose.

Udderine. Misbranding, Section 502 (a), the label statement, "Udderine * * * For Mild Udder Ailments in Cows," and certain statements contained in an accompanying leaflet entitled "The Cattle Specialist," were false and misleading in that they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of mild udder ailments in cows; and that it would be efficacious in the cure, mitigation, treatment, and prevention of mastitis, caked or swollen udder, and other udder troubles. The article would not be efficacious for the purposes recommended and suggested. Further misbranding, Section 502 (a), the name of the article, "Udderine," created the misleading impression that the article would be efficacious in the cure, mitigation, treatment, and prevention of diseases of the udder in cows.

Udder Balm. Misbranding, Section 502 (a), the label statement, "Udder Balm * * * Apply Udder Balm freely twice daily to udder rubbing it in thoroughly," and certain statements contained in an accompanying circular, were false and misleading in that they represented and suggested that the article would be efficacious in keeping livestock healthy; and that it would be efficacious in the cure, mitigation, treatment, and prevention of mastitis, caked or swollen udder, and other udder troubles. The article would not be efficacious for such purposes. Further misbranding, Section 502 (a), the name of the article, "Udder Balm," created the misleading impression that the article would be efficacious in the cure, mitigation, treatment, or prevention of disease conditions of the udder.

Worm Seed Rx No. 89. Misbranding, Section 502 (a), the label statements, "Worm Seed Rx No. 89. For Common Worms in Livestock and Poultry," and certain statements contained in an accompanying leaflet, were false and misleading in that they represented and suggested that the article would be efficacious in keeping livestock healthy; and that it would be efficacious in the cure, mitigation, treatment, and prevention of worms that infest livestock and poultry. The article would not be efficacious for the purposes

recommended and suggested. Further misbranding, Section 502 (a), the statement, "Ingredients: Phenothiazine * * * Male Fern * * * Worm Seed," and the statement, "(Contains Phenothiazine)," appearing in an accompanying leaflet, were misleading in that they represented and implied that the article contained sufficient phenothiazine to be of value, when used as directed, in the cure, mitigation, treatment, and prevention of common worms in livestock and poultry; and that the ingredients male fern and wormseed would be efficacious for such purposes. The article did not contain sufficient phenothiazine to be of value for the purposes claimed, when used as directed; and the male fern and wormseed would not be efficacious for such purposes. Further misbranding, Section 502 (a), the name of the article, "Worm Seed R No. 89," created the misleading impression that the article would be efficacious in the cure, mitigation, treatment, and prevention of worms in livestock and poultry.

Warm Seed R For Goats and Kids. Misbranding, Section 502 (a), the label statements, "Give a matured goat a teaspoonful of this powder morning and evening in feed for ten days as that is a worming. Give smaller dose to kids over 4 months old. This powder can be given to pregnant Does at any period of gestation. Mix the contents of this box with ten pounds of common salt. Let goats and kids have free access to it daily," were false and misleading in that they represented and implied that the article would be efficacious in the cure, mitigation, treatment, and prevention of worms in goats and kids. The article would not be efficacious for such purposes. Further misbranding, Section 502 (a), the label statement, "Ingredients: Phenothiazine Worm Seed Male Fern Tobacco," was misleading in that it represented and implied that the article contained phenothiazine and nicotine, the active ingredient of tobacco, in amounts sufficient to be efficacious in the cure, mitigation, treatment, and prevention of worms in goats and kids; and that wormseed and male fern would be effective for such purposes. The article did not contain a sufficient amount of phenothiazine and nicotine to accomplish the result suggested and implied; and wormseed and male fern would not be efficacious for such purposes. Further misbranding, Section 502 (a), the name "Worm Seed R" created the misleading impression that the article would be efficacious in the cure, mitigation, treatment, and prevention of worms in goats and kids.

Goat Kidding R. Misbranding, Section 502 (a), the following statements on the label were false and misleading: "Goat Kidding R * * * The kidding period is a critical time in the life of the goat. The animal therefore requires special care and attention at that time. * * * Give a teaspoonful of Goat Kidding R in feed twice daily for one week before the goats kid and for a few days after kidding. If a goat fails to clean within two hours after kidding, give one teaspoonful of Goat Kidding R three times a day in feed." The statements represented, suggested, and implied that the article would be of value in the treatment of goats during the critical time of kidding; and that it would be efficacious in cleaning goats after kidding. It would not be of value for such purposes. Further misbranding, Section 502 (e), the label failed to bear a statement of the quantity or proportion of strychnine contained in the article.

DISPOSITION: January 18, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court sentenced the corporate defendant to pay a fine of $1,500 and each of the individual defendants to pay fines of $250.

1890. Misbranding of Stock-Gro. U. S. v. 2 Barrels and 22 Cans of Stock-Gro, and 26 Circulars. Default decree of forfeiture and destruction. (F. D. C. No. 17336. Sample No. 13468–H.)

LIBEL FILED: September 7, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 1, 1945, by Stock-Gro, Inc., from Wapakoneta, Ohio.

PRODUCT: 2 500-pound barrels and 22 50-pound cans of *Stock-Gro* at Batesville, Ind., together with 20 circulars entitled "Stock-Gro promotes Health! Liveability! Reproduction! in Hogs" and 6 circulars entitled "What's in a Barrel of Stock-Gro?"

Examination showed that the product was an artificially colored, condensed by-product of milk.

LABEL, IN PART: "Stock-Gro * * * Ingredients: Condensed Whey."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the circulars were false and misleading since they

represented and suggested that the article was a digestant and would be effective to insure growth, health, and productivity in poultry and hogs; that it would be effective to prevent and correct necrotic enteritis, dysentery, typhoid, and other diseases caused by pathogenic organisms in hogs; that it would aid effectively in the prevention and control of diseases in livestock and poultry; and that it would be effective to prevent and correct worm infestation, coccidiosis, blackhead, and other unhealthy conditions in poultry. The article was not a digestant, and it would not be effective for the purposes represented.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 15, 1945. No claimant having appeared, judgment of forfeiture was entered and the product and circulars were ordered destroyed.

1891. Misbranding of The Ball Solution. U. S. v. 6 Bottles of The Ball Solution, and 6 Pamphlets. Default decree of condemnation and destruction. (F. D. C. No. 19227. Sample No. 15002–H.)

LIBEL FILED: March 12, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 15, 1945, by the Timball Liniment Co., from Detroit, Mich.

PRODUCT: 6 1-pint bottles of *The Ball Solution* at Chicago, Ill., together with 6 pamphlets entitled "Facts The Ball Solution * * * A Positive Solution to the Bad Leg Problem," which were shipped with the product. Examination showed that the product consisted essentially of alcohol 57.1 percent, water, iodine, and potassium iodide, with a small proportion of methyl salicylate.

LABEL, IN PART: "The Ball Solution * * * A Bone and Muscle Remedy."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the pamphlets were false and misleading since they represented and suggested that the article would be effective as a remedy for disease conditions of horses involving the bones and muscles; that it would be effective to relieve fever, pain, swelling, and lameness; and that it would be effective in the treatment of bucked shin, big knee, sprains, sore tendons, speedy cuts, osslets, curbs, splints, and ring-bone. The article would not be effective for such purposes.

Further misbranding, Section 502 (e), the article was fabricated from two or more ingredients, and its label failed to bear an accurate declaration of the quantity or proportion of the alcohol contained therein.

DISPOSITION: May 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1892. Misbranding of Knox-It and Flex-O Udder Ointment. U. S. v. 52 cans of Knox-It and 6 cans of Flex-O Udder Ointment. Default decree of condemnation and destruction. (F. D. C. No. 20215. Sample Nos. 35473–H, 35474–H.)

LIBEL FILED: June 5, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 21, 1946, by the Dairy Remedies Co., from Monroe, Wis.

PRODUCT: 52 cans of *Knox-It* and 6 cans of *Flex-O Udder Ointment* at Quincy, Ill. Analyses showed that the *Knox-It* was a tan-colored powder composed chiefly of plant material, iodoform, sulfur, copper salt, calcium salt, and hexamethylenetetramine; and that the *udder ointment* was a red-colored ointment composed chiefly of petrolatum, oil of mustard, oil of turpentine, and methyl salicylate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and upon an accompanying display card were false and misleading since they represented and suggested that the articles would be effective in the treatment and prevention of mastitis of cattle, thick milk, bloody milk, garget, and minor disturbances of the mammary system; and that they would be effective for healthy milk secretion and flow of blood to the udder. The articles would not be effective for those purposes.

DISPOSITION: July 12, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1893. Misbranding of Super Gain Chemical Spray. U. S. v. 73 Jugs, 501 Cans, and 12 Drums of Chemical Spray, and 22 Circulars. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14858. Sample Nos. 87751–F, 87752–F.)

LIBEL FILED: January 2, 1945, District of Minnesota.

ALLEGED SHIPMENT: By Maier Chemical Spray, from Valley City, N. Dak. The product was shipped on or about July 24 and 31, 1944, and the circulars were shipped on or about July 27, 1944.

PRODUCT: 73 1-gallon jugs, 501 5-gallon cans, and 12 55-gallon drums of *chemical spray* at Sauk Centre, Minn., together with 22 circulars entitled "Super Gain Chemical Spray For Poultry and Livestock."

Examination showed that the product consisted essentially of mineral oil, with small amounts of carbon tetrachloride, nitrobenzene, and a fatty oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that, when used as directed, the article would have value in the prevention and treatment of disease conditions affecting the respiratory tract of poultry and other animals. The article, when used as directed, would not be of value in such conditions.

DISPOSITION: June 6, 1946. The Farmers Cooperative Elevator Co., Sauk Centre, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1894. Misbranding of "Successful" Medicated Charcoal. U. S. v. 15 Packages of "Successful" Medicated Charcoal. Default decree of condemnation and destruction. (F. D. C. No. 17340. Sample No. 33158–H.)

LIBEL FILED: On or about September 17, 1945, District of Kansas.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Des Moines Incubator Co., from Des Moines, Iowa.

PRODUCT: 12 5-pound packages, 2 25-pound packages, and 1 10-pound package of *"Successful" Medicated Charcoal* at Powhattan, Kans.

Examination showed that the product consisted essentially of charcoal, with approximately 7 percent of calcium carbonate and small proportions of epsom salt and sodium sulfate. The article was also found to be short-weight.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the circular enclosed in the package of the article were false and misleading since they represented and suggested that the article was of therapeutic value in the treatment or prevention of disease conditions of poultry, whereas the article would not be of value for such purposes; and the label statements, "Medicated * * * Contains: Charcoal, Glaubers, White Oak Bark, Epsom total Drugs 100% Charcoal 85%," were false and misleading since they represented and suggested that the article contained therapeutically active medicinal agents which would be of value in the prevention or treatment of disease conditions of poultry, whereas it contained only insignificant proportions of the substances named, other than charcoal, and it would furnish no therapeutically active amount of any ingredient.

Further misbranding, Section 502 (b) (2), the article failed to bear labels containing accurate statements of the quantity of the contents since the contents of the package were less than the amounts stated upon the labels.

DISPOSITION: November 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1895. Misbranding of poultry remedies. U. S. v. 4 Bottles of Chicken Wormer Medicine, 4 Bottles of Chicken RT Medicine, 10 Cans of Red Ball Poultry Regulator, and a number of booklets. Default decree of condemnation and destruction. (F. D. C. No. 16373. Sample Nos. 20066–H to 20068–H, incl.)

LIBEL FILED: June 15, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: By E. A. Dougherty and Sons, from Omaha, Nebr. The products were shipped between the approximate dates of February 19 and May 1, 1945, and the booklets were shipped on or about April 17, 1945.

PRODUCT: 4 ½-gallon bottles of *Chicken Wormer Medicine*, 4 ½-gallon bottles of *Chicken RT Medicine*, and 10 10-pound cans of *Red Ball Poultry Regulator*, together with a number of accompanying booklets entitled "Poultry Remedies," at Council Bluffs, Iowa.

Examination disclosed that the *Chicken Wormer Medicine* consisted essentially of water, epsom salt, sodium hydroxide, potassium dichromate, and licorice; that the *Chicken RT Medicine* consisted essentially of water, epsom salt, potassium dichromate, and potassium chlorate; and that the *Red Ball Poultry Regulator* consisted essentially of the carbonate, phosphate, and chloride of calcium and sodium, together with sulfur, protein matter, and minute quantities of iron, copper, and other minerals.

The *Chicken Wormer Medicine* and the *RT Medicine* failed to bear labels containing a statement of the quantity of the contents.

NATURE OF CHARGE: *Chicken Wormer Medicine.* Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in eliminating roundworms, cecal worms, gapeworms, and tapeworms from poultry and in preventing the disease condition of poultry known as paralysis, whereas the article would not be effective for such purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

Chicken RT Medicine. Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in the treatment of coccidiosis, white diarrhea, colds, blackhead, leukemia, and diseases caused by worms, whereas the article would not be effective for such purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

Red Ball Poultry Regulator. Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in bringing about normal development of the bones, feathers, muscles, eggs, shells, body, and nerves of poultry; that it would aid in controlling blow outs and pick outs of heavy producers; that it was a tonic and stimulant; and that it would aid in overcoming deficiency diseases. The lack of normal development of bones, feathers, muscles, eggs, shells, body, and nerves of poultry is due to many causes, such as disease and parasitic conditions and lack of feed elements other than the minerals supplied by the article; the article would not be effective in controlling the disease conditions of poultry referred to as pick outs and blow outs of heavy producers; it was not a tonic or stimulant; and it would not be of aid in overcoming deficiency diseases of poultry.

DISPOSITION: October 26, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ACCURATE STATEMENTS OF THE QUANTITY OF THE CONTENTS*

1896. Misbranding of elixir terpin hydrate with codeine. U. S. v. 7½ Dozen Bottles of Elixir Terpin Hydrate with Codeine. Default decree of condemnation and destruction. (F. D. C. No. 17328. Sample Nos. 11029–H, 11041–H.)

LIBEL FILED: August 30, 1945, District of Maine.

ALLEGED SHIPMENT: On or about June 13, 1945, by Brewer and Co., Inc., from Worcester, Mass.

PRODUCT: 7½ dozen bottles of *elixir terpin hydrate with codeine* at Waterville, Maine. Examination showed that the product was short-volume.

LABEL, IN PART: "2 Fluid Ounces Elixir Terpin Hydrate with Codeine."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1897. Misbranding of mineral oil, and elixir of terpin hydrate and codeine. U. S. v. 376 Dozen Bottles of Lubinol Mineral Oil and 46 Dozen Bottles of Elixir of Terpin Hydrate and Codeine. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 17308. Sample Nos. 7604–H, 7605–H.)

LIBEL FILED: August 25, 1945, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of March 8 and July 11, 1945, from New York, N. Y., by the Purepac Corporation.

*See also Nos. 1854, 1866, 1894, 1895.

PRODUCT: 376 dozen bottles of *Lubinol Mineral Oil* and 46 dozen bottles of *elixir of terpin hydrate and codeine* at Jersey City, N. J. Examination showed that the products were short-volume.

LABEL, IN PART: "Lubinol Extra Heavy Mineral Oil U. S. P. * * * One Pint," and "Elixir of Terpin Hydrate and Codeine N. F. * * * Two Fluid Ounces."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles failed to bear labels containing accurate statements of the quantity of their contents.

DISPOSITION: October 16, 1945. The Purepac Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be refilled to the declared volume, under the supervision of the Food and Drug Administration.

1898. Misbranding of isopropyl alcohol rubbing compound. U. S. v. 155 Dozen Bottles of Isopropyl Alcohol Rubbing Compound. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17560. Sample No. 851–H.)

LIBEL FILED: On or about September 26, 1945, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Purepac Corporation, from New York, N. Y.

PRODUCT: 155 dozen bottles of *isopropyl alcohol rubbing compound* at Charleston, S. C. Examination showed that the product was short-volume.

LABEL, IN PART: "Purepac Isopropyl Alcohol Rubbing Compound * * * One Pint."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 21, 1945. The Purepac Corporation, claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond to be properly labeled under the supervision of the Food and Drug Administration.

1899. Misbranding of elixir of beef and iron, and isopropyl alcohol rubbing compound. U. S. v. 55 Dozen Bottles of Elixir of Beef & Iron and 109 Dozen Bottles of Isopropyl Alcohol Rubbing Compound. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 18031. Sample Nos. 25477–H, 25478–H.)

LIBEL FILED: October 25, 1945, District of Utah.

ALLEGED SHIPMENT: On or about August 24, 1945, by the Exeller Chemical Co., Inc., from New York, N. Y.

PRODUCT: 55 dozen bottles of *elixir of beef and iron* and 109 dozen bottles of *isopropyl alcohol rubbing compound* at Salt Lake City, Utah. Examination showed that the products were short-volume.

LABEL, IN PART: "Gold Seal Elixir of Beef and Iron N. F. One Pint," and "Gold Seal Isopropyl Alcohol Rubbing Compound 1 Pint."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles failed to bear labels containing accurate statements of the quantity of their contents.

DISPOSITION: January 14, 1946. The Purepac Corporation of New York having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1900. Misbranding of rubbing massage compound. U. S. v. 53 Cases of Rubbing Massage Compound. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 18086. Sample No. 21923–H.)

LIBEL FILED: November 9, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 25, 1945, by the Sapo Elixir Chemical Co., from St. Louis, Mo.

PRODUCT: 53 cases, each containing 12 1-pint bottles, of rubbing and massage compound at Memphis, Tenn. Examination showed that the product was short-volume.

LABEL, IN PART: "One Pint Rubbing Massage Compound."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 1851 TO 1900

PRODUCTS

[1] (1854) Injunction issued.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] (1854) Injunction issued.

U. S. GOVERNMENT PRINTING OFFICE: 1947

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1901–1950

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *February 20, 1947.*

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DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

1901. Misbranding of Seconal Sodium Pulvules. U. S. v. V. R. Canalez (Ramona Drug Co.) and Garfield Gray. Pleas of guilty. Fine of $200 imposed on V. R. Canalez; imposition of sentence suspended on remaining counts with respect to defendant Canalez and on all counts with respect to defendant Gray. Both defendants placed on probation for 1 year. (F. D. C. No. 20119. Sample Nos. 31175–H, 31176–H, 32227–H, 32245–H.)

INFORMATION FILED: On or about April 29, 1946, District of Arizona, against V. R. Canalez, trading as the Ramona Drug Co., Phoenix, Ariz., and Garfield Gray, an employee of the Ramona Drug Co.

ALLEGED SHIPMENT: Between the approximate dates of May 3 and August 6, 1945, from Indianapolis, Ind.

LABEL, IN PART: "Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) (Sodium Propylmethyl-carbinyl Allyl Barbiturate, Lilly) Warning—May be habit forming * * * Caution—To be dispensed only by or on the prescription of a physician."

NATURE OF CHARGE: On or about July 31, 1945, while a number of capsules of the drug were held for sale after shipment in interstate commerce, the defendants removed 24 capsules from the bottle in which they had been shipped, repacked them in an unlabeled cardboard box, and sold them without a

*For omission of, or unsatisfactory, ingredients statements, see Nos. 1909, 1923, 1928, 1939; failure to bear an accurate statement of the quantity of the contents, Nos. 1904, 1909, 1948; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 1909; failure to state quantity or proportion of narcotic or hypnotic substance, No. 1920; failure to comply with the packaging requirements of an official compendium, No. 1925; labeling information not likely to be understood by the ordinary individual, No. 1938.

prescription. On August 24 and September 18, 1945, the defendants removed from the bottle 24 capsules and 12 capsules, respectively, and sold them in unlabeled boxes without a prescription.

The acts of the defendants resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the labeling on the box failed to bear any directions for use; and, Section 502 (f) (2), the labeling failed to bear adequate warnings against use of the drug in those pathological conditions wherein its use may be dangerous to health and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 15, 1946. Pleas of guilty having been entered, the defendant Canalez was fined $200. Imposition of sentence was suspended with respect to defendant Canalez on the remaining counts and with respect to defendant Gray on all counts, and both defendants were placed on probation for 1 year.

1902. Misbranding of Seconal Sodium Pulvules. U. S. v. Ben Glina (Glina's Drug Store). Plea of nolo contendere. Fine, $200. (F. D. C. No. 17849. Sample No. 31861–H.)

INFORMATION FILED: March 19, 1946, District of Arizona, against Ben Glina, trading as Glina's Drug Store, at Phoenix, Ariz.

INTERSTATE SHIPMENT: Between the approximate dates of July 21 and November 15, 1944, from Indianapolis, Ind.

LABEL, IN PART: "Pulvules Seconal Sodium 1½ Grains (0.1 Gm.) (Sodium Propyl-methyl-carbinyl Allyl Barbiturate, Lilly) * * * Caution—To be used only by or on the prescription of a physician."

NATURE OF CHARGE: That on or about May 10, 1945, while the drug was being held for sale after shipment in interstate commerce, the defendant removed a number of the capsules from the bottle in which they were shipped, repacked a number of them into an unlabeled envelope, and sold them without a prescription.

The information charged further that the acts of the defendant resulted in the misbranding of the drug in the following respects: Section 502 (f) (1), the envelope containing the capsules bore no labeling containing directions for use; and, Section 502 (f) (2), the envelope bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use may be dangerous to health and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 13, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $200.

1903. Misbranding of benzedrine sulfate tablets. U. S. v. Louis L. Patt (Courtesy Drug Store) and Louis Spiegel. Pleas of nolo contendere. Fine of $200 against Louis L. Patt; imposition of sentence against Louis Spiegel suspended for 1 year. (F. D. C. No. 20117. Sample No. 32225–H.)

INFORMATION FILED: April 24, 1946, District of Arizona, against Louis L. Patt, trading as the Courtesy Drug Store, at Phoenix, Ariz., and Louis Spiegel, an employee.

INTERSTATE SHIPMENT: Between the approximate dates of June 5 and July 3, 1945, from Philadelphia, Pa., of 1 bottle containing 250 *benzedrine sulfate tablets.*

PRODUCT: The drug had been made for use exclusively by or on the prescription of physicians, and its label bore the statement, "Caution: To be used only by or on the prescription of a physician." As a result, it was not required to comply with Section 502 (f) (1), which requires that adequate directions for use appear in the labeling.

LABEL, IN PART: "10 mg. Benzedrine Sulfate Tablets."

NATURE OF CHARGE: On or about July 27, 1945, while 11 tablets of the drug were being held for sale after shipment in interstate commerce, the defendants caused them to be sold, delivering them to the purchaser in the bottle labeled as indicated above, without a physician's prescription. The sale of the tablets by the defendant caused the exemption to expire and resulted in the misbranding of the drug in violation of Section 502 (f) (1), since the drug bore no labeling containing directions for use.

DISPOSITION: May 13, 1946. Pleas of nole contendere having been entered, the court imposed a fine of $200 against Louis L. Patt. Imposition of sentence against Louis Spiegel was suspended for 1 year, and he was placed on probation for a like period.

1904. Adulteration and misbranding of Eczema Ointment and misbranding of Fel Bovina, Calendusyl, Guaiacol Tonic, and Needham's Red Clover Compound. U. S. v. Benjamin L. Eicher (Stearns & White Co., and D. Needham's Sons). Plea of guilty. Fine, $600. (F. D. C. No. 16562. Sample Nos. 59930–F, 78428–F, 78431–F, 78436–F, 79079–F.)

INFORMATION FILED: January 10, 1946, Northern District of Illinois, against Benjamin L. Eicher, trading under the firm names of the Stearns & White Co. and D. Needham's Sons, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of May 23 and August 8, 1944, from the State of Illinois into the States of Wisconsin, Indiana, and Michigan.

PRODUCT: Analyses of samples of the articles showed the following results: The *Fel Bovina* consisted essentially of ox bile, glycerin, alcohol, and water; the *Calendusyl* consisted essentially of small proportions of salicylic acid, resorcinol, and hydrastin hydrochloride, extracts of plant drugs, including calendula, a soluble bismuth salt, glycerin, alcohol, and water; the *Eczema Ointment* contained not more than 7.73 percent of ammoniated mercury and not more than 8.06 percent of zinc oxide; the *Guaiacol Tonic* consisted essentially of small proportions of guaiacol, the hypophosphites of quinine, strychnine, iron, manganese, calcium, and potassium, glycerin, sugar, alcohol, and water; and the *Red Clover Compound* consisted essentially of extracts of plant drugs, including a laxative drug, sugar, alcohol, and water.

NATURE OF CHARGE: *Fel Bovina.* Misbranding, Section 502 (a), the label statement, "Auto-Toxemia, Intestinal Putrefaction, Sluggish Liver," was false and misleading since the article would not be efficacious in the cure, mitigation, treatment, and prevention of autotoxemia, intestinal putrefaction, and sluggish liver.

Calendusyl. Misbranding, Section 502 (a), the label statements, "Internally, in Fermentative Dyspepsia, Pyrosis, Nausea and other forms of imperfect digestion. * * * applicable to the Eye, Ear, Nose, Throat, Urethra, Vagina, Bladder and Pyogenic conditions. * * * in treatment of Ulcers, Fistula, Catarrh, Tonsilitis, etc. * * * in diseases of the Vagina. In Gonorrhea, Gleet, non-specific Urethritis and Catarrhal Inflammation and discharges generally," were false and misleading since the article would not be an adequate treatment for fermentative dyspepsia, pyrosis, nausea, and other forms of imperfect digestion; it would not be an adequate treatment for pyogenic conditions and for disease conditions of the eye, ear, nose, throat, urethra, vagina, and bladder; it would not be efficacious in the treatment of ulcers, fistula, catarrh, and tonsilitis; and it would not be efficacious in the cure, mitigation, treatment, and prevention of diseases of the vagina, gonorrhea, gleet, nonspecific urethritis, catarrhal inflammation, and discharges generally.

Eczema Ointment. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was represented to contain 10 percent of ammoniated mercury and 10 percent of zinc oxide, whereas it contained not more than 8.73 percent of ammoniated mercury and not more than 7.87 percent of zinc oxide. Misbranding, Section 502 (a), the label statement, "Ammoniated Mercury—10 per cent Oxide of Zinc—10 per cent," was false and misleading; and the label statement, "Eczema Ointment * * * in the treatment of Acne, Eczema and all eruptions of the skin," was false and misleading since the article would not be efficacious in the treatment of acne, eczema, and all eruptions of the skin.

Guaiacol Tonic. Misbranding, Section 502 (a), the label statements, "Reconstructive, Tonic, * * * Bronchial affections, reconstructive following pneumonia, acute and chronic coughs and cold, phthisis, etc., and as an antiseptic in gastric disturbances," were false and misleading since the article was not a reconstructive nor a tonic; it would not be an adequate treatment for bronchial affections, acute and chronic coughs and cold, and phthisis; it would not be a reconstructive following pneumonia; and it would not be an antiseptic in gastric disturbances.

Needham's Red Clover Compound. Misbranding, Section 502 (a), the label statements, "We recommend the Compound as an excellent tonic for a run-down system, also for relief of many stomach, bowel and kidney ailments. An excellent tonic for women * * * For chronic constipation," were false and misleading since the article was not an excellent tonic for a run-down system; it would not be efficacious in the cure, mitigation, and treatment of chronic constipation and many stomach, bowel, and kidney ailments; and it was not an excellent tonic for women. Further misbranding, Section 502 (b)

(2), the bottles containing the article bore no labels containing a statement of the quantity of the contents; Section 502 (f) (1), the directions on the bottle labels, "1 table-spoonful three times a day," were inadequate since they provided for taking the article three times each day, whereas the article was a laxative and should be taken only occasionally and as needed; and, Section 502 (f) (2), the labeling of the article failed to bear a warning that it should not be used in the presence of abdominal pain, nausea, vomiting, or other symptoms of appendicitis; and its label also failed to warn that frequent and continued use of the article might lead to a dependence on laxatives to move the bowels.

DISPOSITION: May 3, 1946. A plea of guilty having been entered, the court imposed a fine of $100 on each of the 6 counts of the information.

1905. Misbranding of B-I-F Combination. U. S. v. 54 Cartons of B-I-F Combination. Default decree of condemnation and destruction. (F. D. C. No. 19940. Sample No. 3703-H.)

LIBEL FILED: May 27, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 26, 1946, by W. C. Hughes & Co., Inc., from Baltimore, Md.

PRODUCT: 54 cartons, each containing 2 bottles, of *B-I-F Combination* at Richmond, Va. One of the bottles contained *B-I-F Emulsion* and the other bottle contained *B-I-F Injection*. Examination showed that the *Emulsion* consisted essentially of balsam of copaiba, oil of cassia, sugar, glycerin, water, a gum, and a potassium compound; and that the *Injection* consisted essentially of zinc acetate, glycerin, a small proportion of carbolic acid, and water, colored with caramel.

LABEL, IN PART: (Carton) "B-I-F Combination Emulsion contains: Balsam Copaiba Oil Cassia, U. S. P. Potassium Hydroxide U. S. P. Powdered Acacia, U. S. P. Sugar Glycerin, U. S. P. Injection contains: Zinc Acetate U. S. P. Carbolic Acid U. S. P. Glycerin U. S. P. Caramel"; (both bottles) "Purchasers wishing to avoid attention in the use of this article, are advised to place the bottle in water a few moments after which this label can readily be removed."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the labeling of the article were false and misleading since they represented and suggested that the article, when taken as directed, would be effective in the treatment of gonorrhea, whereas it would not be effective for such purpose; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: June 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1906. Misbranding of Thunderbird Laxative Botanical Tablets. U. S. v. 380 Boxes, 360 Boxes, and 1 Bulk Container of Thunderbird Laxative Botanical Tablets. Default decrees of condemnation and destruction. (F. D. C. Nos. 19699, 20770. Sample Nos. 35457-H, 40458-H.)

LIBELS FILED: April 22 and August 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of April 9 and August 11, 1946, from Columbus, Ohio.

PRODUCT: 740 boxes, each containing 30 tablets, and 1 bulk container containing 3,600 tablets known as *Thunderbird Laxative Botanical Tablets* at St. Louis and Salem, Mo., in the possession of Mrs. Ray C. Herbers (Madaline E. Ragan), the packer of the product.

LABEL, IN PART. (Boxes and bulk container) "Laxative Botanical Tablets," and "Active Ingredients: Cascara Bark, Aloin, Mandrake, Rhubarb, Aloes, Leptandrin, Oleoresin, Capsicum. Inactive Ingredients: Calcium Carbonate, Sugar"; (box only) "Thunderbird Laxative Botanical Tablets," and "Prepared * * * for Madaline E. Ragan * * * Centerton, Indiana."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in stomach ulcers, high and low blood pressure, kidney, liver, and stomach troubles, rheumatism, female trouble, lost manhood, and disease contracted in youth, and also for putting lining on the stomach, causing piles to recede, and for neutralizing and eliminating uric acid, which were the conditions for which the article was recommended and suggested in its advertising disseminated at St. Louis, Mo., and sponsored by and on behalf of its packer; it also failed to bear adequate directions

for use in the treatment of piles, bleeding piles, aching muscles, joints, and tissues, cancer of the intestines, kidney stones, lumbago, sciatica, rheumatism, tapeworms, hookworms, gallstones, change of life, and for use to improve the appetite and elimination, which were the conditions for which the article was recommended and suggested in its advertising disseminated at Salem, Mo., and sponsored by and on behalf of its packer.

DISPOSITION: May 17 and October 7, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1907. Misbranding of Goodfreed's Formula No. 2 and Goodfreed's Inhalers. U. S. v. 1,000 Bottles of Goodfreed's Formula No. 2, 2,000 Goodfreed's Inhalers, and a number of circulars and placards. Default decree of condemnation and destruction. (F. D. C. No. 19319. Sample No. 2988–H.)

LIBEL FILED: March 6, 1946, District of Columbia. The products were on the premises of the G. C. Murphy Co., Washington, D. C., in custody of B. L. Goodman, who represented himself to be a demonstrator and part owner of the business of Goodfreed Products, the packer and distributor.

PRODUCT: 300 2-ounce bottles, 300 4-ounce bottles, and 400 8-ounce bottles of *Goodfreed's Formula No. 2* and 2,000 *Goodfreed's Inhalers* at the G. C. Murphy Co., Washington, D. C., together with a number of circulars entitled "Goodfreed's Formula Australian Oil Brings Quick Relief to Thousands," a placard entitled "Formula No. 2 Marvelous Aid," and a placard entitled "Formula No. 2 Marvelous Relief." Examination indicated that the *Formula* was a mixture of volatile oils; and that the *Inhaler* was a glass tube containing absorbent material, with one end narrow to allow insertion into the nostrils. In addition to the representations in the labeling, oral representations were made on behalf of the manufacturer or packer of the products by B. L. Goodman to customers at the G. C. Murphy Co. It was represented orally that the products would be useful in prophylaxis against lobar pneumonia, asthma, ulcers, catarrh in the stomach, and colds in the kidneys; and that they would be useful as a treatment for pyorrhea, bleeding gums, and for lumbago, arthritis, neuritis, rheumatic or muscular fever, and aches and pains of any kind.

LABEL, IN PART: "Goodfreed's Formula No. 2 Contains: Eucalyptus Oil, Camphor Oil, Peppermint Oil, Menthol and Thymol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars and placards were false and misleading since they represented and suggested that the articles would be effective in the treatment of asthma, catarrhal conditions, malaria, yellow fever, endemic fever, stiff joints, earache and pain, rose fever, hay fever, sinus trouble, bronchitis, coughs due to chest colds, rheumatic pains, lumbago, sciatica, swollen joints, arthritis, and neuritis; and that the articles would be effective as an active partner in the business of keeping well. The articles would not be effective for such purposes.

Further misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of rose fever, hay fever, sinus trouble, catarrh, asthma, bronchitis, pyorrhea, bleeding gums, rheumatic pains, lumbago, sciatica, swollen joints, arthritis, neuritis, stiff joints, earache, malaria, yellow fever, endemic fever, and in the prophylaxis of lobar pneumonia, ulcers, catarrh in the stomach, and colds in the kidneys, which were the diseases, symptoms, and conditions for which the articles were offered in their labeling and in their advertising disseminated and sponsored by and on behalf of their manufacturer or packer.

DISPOSITION: April 15, 1946. No claimant having appeared, judgment of condemnation was entered and the products and the printed matter were ordered destroyed. On May 1, 1946, the decree was amended to provide for the delivery to the Food and Drug Administration of the circulars, placards, and the stickers attached to shipping cartons.

1908. Misbranding of RX 5000. U. S. v. 44 Packages of RX 5000. Consent decree of condemnation and destruction. (F. D. C. No. 19990. Sample No. 47152–H).

LIBEL FILED: June 11, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about March 28, 1946, by the Hassenstein Co., from Hollywood, Calif.

PRODUCT: 44 packages of *RX 5000* at Denver, Colo. Examination showed that each package contained, among other things, 2 cartons, each containing 11 tablets; 1 carton containing 6 capsules; and 3 ampuls containing a liquid. Analysis showed that the tablets consisted essentially of iron sulfate, plant

material, including aloes and ergot, and essential oils such as oil of pennyroyal; that the capsules consisted essentially of ergot alkaloids, aloin, oil of savin, and apiol; and that the ampuls contained solution of posterior pituitary.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to state why the article was to be used; and, Section 502 (f) (2), the labeling failed to bear adequate warnings against use of the article in those pathological conditions wherein its use may be dangerous to health since the statement appearing in a circular, "Ampuls should not be used in cases of nephritis, myocarditis, arteriosclerosis, and threatened rupture of the uterus," was not a warning that would adequately inform the user that the contents of the ampul should not be used in cases of kidney disease, heart disease, high blood pressure, or hardening of the arteries.

DISPOSITION: June 26, 1946. The Hassenstein Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1909. Misbranding of estrogenic hormone. U. S. v. 48 Vials of Estrogenic Hormone. Default decree of forfeiture and destruction. (F. D. C. No. 19363. Sample No. 52625–H.)

LIBEL FILED: March 20, 1946, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 28, 1945, by International Hormones, Inc., from Brooklyn, N. Y.

PRODUCT: 48 unlabeled vials of *estrogenic hormone* at Indianapolis, Ind. The vials were packed in a labeled carton. No written agreement existed between the shipper and the consignee as to the labeling of the product.

LABEL, IN PART: (Carton) "Estrogenic Hormone 10,000 I. U./cc Corn Oil 50–30 cc vials ½% Chlorbutanol."

NATURE OF CHARGE: Misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient, since the designation "Estrogenic Hormone," borne on the carton, is not the specific name of any particular substance but is a generic name for a class of substances.

Further misbranding, Section 502 (b) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 502 (f) (1), its labeling failed to bear adequate directions for use.

DISPOSITION: May 13, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1910. Adulteration of Hyposols Liv-Vi-B, Hyposols Liver Solution U. S. P., and Hyposols Sulisocol. U. S. v. The Drug Products Co., Inc., Joseph H. Moss, and George E. Hickey. Pleas of guilty. Corporation fined $750; Joseph H. Moss fined $450; and George E. Hickey fined $750 and sentenced to 30 days' imprisonment. (F. D. C. No. 17787. Sample Nos. 82095–F, 82972–F, 6201–H.)

INFORMATION FILED: March 6, 1946, Eastern District of New York, against the Drug Products Co., Inc., a corporation, Long Island City, N. Y., Joseph H. Moss, president, and George E. Hickey, vice president, of the corporation.

ALLEGED SHIPMENT: On or about August 25 and October 12 and 13, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Hyposols * * * Liv-Vi-B * * * Inject Intramuscularly," "Hyposols Liver Solution U. S. P. * * * (injectable)," or "Hyposols Sulisocol * * * Intravenous—Intramuscular."

NATURE OF CHARGE: *Liv-Vi-B* and *Sulisocol.* Adulteration, Section 501 (c), the purity and quality of the articles fell below that which they purported and were represented to possess. The *Liv-Vi-B* purported and was represented to be suitable and appropriate for intramuscular injection, and the *Sulisocol* purported and was represented to be suitable for intramuscular and intravenous injection, which uses require sterile products. The articles were not suitable and appropriate for the purposes claimed since they were not sterile but were contaminated with living micro-organisms.

*See also No. 1904.

Liver Solution U. S. P. Adulteration, Section 501 (b), the article purported to be and was represented as liver injection, a name recognized in the United States Pharmacopoeia, but its quality and purity fell below the official standard. The Pharmacopoeia provides that liver injection shall conform to the requirements of the test for sterility of liquids set forth therein, whereas the article did not conform to such requirements but was contaminated with living micro-organisms.

DISPOSITION: May 8, 1946. Pleas of guilty having been entered, the corporation was fined $750; Joseph H. Moss was fined $450; and George E. Hickey was fined $750 and was sentenced to 30 days in jail.

1911. Adulteration of anterior pituitary and ovarian extract. U. S. v. 5 Vials of Anterior Pituitary and 7 Vials of Ovarian Extract. Default decree of condemnation and destruction. (F. D. C. No. 15364. Sample Nos. 16512–H, 16514–H.)

LIBEL FILED: March 19, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 30 and December 12, 1944, by the Torigian Laboratories, from New York, N. Y.

PRODUCT: 5 30-cc. vials of *anterior pituitary* and 7 30-cc. vials of *ovarian extract* at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the articles fell below that which they purported to possess, in that they were offered for intramuscular injection and were not sterile but were contaminated with living, spore-forming bacteria which rendered them unsuitable and unsafe for intramuscular injection.

DISPOSITION: June 14, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1912. Adulteration of Pyoamide and Coll-Thiol. U. S. v. 47 Ampuls of Pyoamide and 19 Vials of Coll-Thiol. Default decree of condemnation and destruction. (F. D. C. No. 20059. Sample Nos. 45044–H, 45046–H.)

LIBEL FILED: June 10, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about May 18, 1945, and January 28, 1946, by the Intra Products Co., from Denver, Colo.

PRODUCT: 47 ampuls of *Pyoamide* and 19 vials of *Coll-Thiol* at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the articles fell below that which they purported to possess since they purported to be for intravenous use and contained undissolved material, whereas an article which purports to be for intravenous use should be free from undissolved material.

DISPOSITION: July 12, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1913. Adulteration of Novisyn and epinephrine hydrochloride solution. U. S. v. 28 Boxes of Novisyn and 84 Vials of Epinephrine Hydrochloride Solution. Default decree of condemnation and destruction. (F. D. C. No. 19834. Sample Nos. 45735–H, 45736–H.)

LIBEL FILED: May 6, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about May 1, 1945, and January 19, 1946, by the S. E. Massengill Co., from Bristol, Va.

PRODUCT: 28 boxes, each containing 50 ampuls, of *Novisyn* and 84 vials of *epinephrine hydrochloride solution* at San Francisco, Calif.

LABEL, IN PART: "Novisyn * * * For Intramuscular or Intravenous Administration," and "Solution Epinephrine Hydrochloride * * * For Subcutaneous, Intramuscular or Intracardial administration."

NATURE OF CHARGE: *Novisyn.* Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess since it contained undissolved material, whereas an article which is represented for intramuscular or intravenous administration should be free from undissolved material.

Epinephrine Hydrochloride Solution. Adulteration, Section 501 (b), the article purported to be and was represented as epinephrine hydrochloride injection, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: June 19, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1914. Adulteration of B-Parplex Solution and sodium thiosulfate solution. U. S. v. 28 Vials of B-Parplex Solution and 49 Ampuls of Sodium Thiosulfate Solution. Default decree of condemnation and destruction. (F. D. C. No. 19569. Sample Nos. 46404–H, 46405–H.)

LIBEL FILED: April 5, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about December 9, 1940, and January 13 and 20, 1945, by the Intra Products Co., from Denver, Colo.

PRODUCT: 28 vials of *B–Parplex Solution* and 49 ampuls of *sodium thiosulfate solution* at San Francisco, Calif. Examination showed that the *B–Parplex Solution* contained mold; and that the *sodium thiosulfate solution* contained undissolved material.

LABEL, IN PART: "30 cc Sterile Solution B–Parplex No. 5," or "Intravenous Solution Sodium Thiosulphate 10 cc."

NATURE OF CHARGE: *B-Parplex Solution.* Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported to possess since it purported to be for intravenous use and contained mold, whereas an article purporting to be for intravenous use should be free from mold.

Sodium thiosulfate solution, Section 501 (b), the article purported to be and was represented as ampuls of sodium thiosulfate, a drug the name of which is recognized in the National Formulary, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: May 15, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1915. Adulteration of estrogens and Betaplex. U. S. v. 26 Vials of Estrogens and 4 Vials of Betaplex. Default decree of condemnation and destruction. (F. D. C. No. 19399. Sample Nos. 60039–H, 60040–H.)

LIBEL FILED: March 27, 1946, Western District of New York.

ALLEGED SHIPMENT: Between the approximate dates of April 28 and October 22, 1945, by Lincoln Laboratories, Inc., from Decatur, Ill.

PRODUCT: 26 vials of *estrogens* and 4 vials of *Betaplex* at Buffalo, N. Y. Examination showed that the *estrogens* contained agglomerated material unsuitable for intramuscular injection; and that the *Betaplex* was contaminated with undissolved material.

LABEL, IN PART: "15 cc. Size Aqueous Suspension of Estrogens * * * For intramuscular use," or "30 cc. Vial Betaplex * * * Intramuscular or Intravenous."

NATURE OF CHARGE: Adulteration, Section 501 (c), (*estrogens*) the quality of the article fell below that which it purported and was represented to possess in that it was represented to be for intramuscular use, whereas it contained agglomerated material unsuitable for intramuscular injection; (*Betaplex*) the purity and quality of the article fell below that which it purported and was represented to possess, since it was represented to be appropriate for intramuscular or intravenous use and should have been free from undissolved material.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1916. Adulteration of estrogenic hormones. U. S. v. 165 Boxes of Estrogenic Hormones. Default decree of condemnation and destruction. (F. D. C. No. 19398. Sample No. 14483–H.)

LIBEL FILED: March 28, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 21, 1946, by the Barry Allergy Laboratories, Inc., from Detroit, Mich.

PRODUCT: 165 boxes, each containing 1 vial, of *estrogenic hormones* at Canton, Ohio.

LABEL, IN PART: "Estrogenic Hormones (Natural) A Standardized preparation containing estrogenic hormones isolated from gravid mare's urine consisting principally of estrone, equilin, equilenin, beta-estradiol in sesame oil."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), estrogenic material different from that occurring in gravid mares' urine had been substituted in whole

or in part for estrogenic hormones isolated from gravid mares' urine, which the article was represented to be.

DISPOSITION: May 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1917. Adulteration of isotonic solution of sodium chloride. U. S. v. 77 Vials of Isotonic Solution of Sodium Chloride. Default decree of condemnation and destruction. (F. D. C. No. 19381. Sample No. 39431–H.)

LIBEL FILED: March 27, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 21, 1946, by the Cheplin Biological Products Co., from Syracuse, N. Y.

PRODUCT: 77 vials of *isotonic solution of sodium chloride* at Chicago, Ill.

LABEL, IN PART: "Isotonic Solution of Sodium Chloride, U. S. P. (Physiological salt solution) Sterile and pyrogen free."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as sterile isotonic solution of sodium chloride for parenteral use, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: May 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1918. Adulteration and misbranding of camphorated oil, sweet oil, solution of boric acid, spirits of camphor, and rubbing alcohol. U. S. v. Thomas A. Loveless (Loveless Pharmacal Co.). Plea of guilty. Fine, $109. (F. D. C. No. 16561. Sample Nos. 3844–F, 3845–F, 3851–F, 3853–F, 3862–F.)

INFORMATION FILED: December 12, 1945, Western District of Missouri, against Thomas A. Loveless, trading as the Loveless Pharmacal Co., Springfield, Mo.

ALLEGED SHIPMENT: Between the approximate dates of July 18 and October 16, 1944, from the State of Missouri into the State of Oklahoma.

LABEL, IN PART: "Camphorated Oil [etc.] * * * Packed for Evans Drug Stores Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 501 (b). The products described below differed in strength from the official standard, and the difference in strength from the standard was not stated on the labels.

The *camphorated oil* contained not more than 11.26 percent of camphor, whereas the United States Pharmacopoeia provides that camphorated oil shall contain not less than 19 percent of camphor.

The *sweet oil* consisted of cottonseed oil, whereas the United States Pharmacopoeia requires that sweet oil shall consist of the fixed oil obtained from the ripe fruit of *Olea europoea Linne.* In addition, Section 501 (d) (2), cottonseed oil had been substituted in whole or in part for olive oil.

The *solution of boric acid* contained not more than 1.17 grams of boric acid per 100 cc., whereas the National Formulary requires that solution of boric acid shall contain not less than 4.25 grams of boric acid in each 100 cc.

The *spirits of camphor* contained not less than 11.78 grams of camphor per 100 cc., and not more than 66.9 percent of alcohol, whereas the United States Pharmacopoeia provides that spirits of camphor shall contain not more than 10.4 grams of camphor per 100 cc. and not less than 80 percent of alcohol by volume.

Adulteration, Section 501 (c). The *rubbing alcohol* differed in strength from that which it purported and was represented to possess, since it was represented to contain 70 percent of isopropyl alcohol by volume but contained not more than 49.96 percent of isopropyl alcohol by volume.

Misbranding, Section 502 (a), the following statements in the respective labels were false and misleading: "Camphorated Oil U. S. P.," "U. S. P. Sweet Oil," "Solution Boric Acid 4%," "Spirits of Camphor U. S. P.," and "Isopropyl Alcohol 70% by volume."

DISPOSITION: April 1, 1946. A plea of guilty having been entered, the defendant was fined $100 on count 1 and $1 on each of the other 9 counts of the information.

1919. Adulteration of malva leaves. U. S. v. Tito Flores (La Nacional). Plea of guilty. Fine, $100. (F. D. C. No. 14234. Sample No. 73820–F.)

INFORMATION FILED: December 12, 1944, District of Arizona, against Tito Flores, trading as La Nacional, at Tucson, Ariz.

ALLEGED SHIPMENT: On or about June 20, 1944, from the State of Arizona into the State of California.

NATURE OF CHARGE: Adulteration, Section 501 (d), stramonium had been substituted in whole or in part for *malva leaves*, which the article purported and was represented to be.

DISPOSITION: May 28, 1946. A plea of guilty having been entered, the court imposed a fine of $100.

1920. Misbranding of aminophyllin and phenobarbital tablets. U. S. v. 3 Bottles of Aminophyllin and Phenobarbital Tablets. Default decree of condemnation and destruction. (F. D. C. No. 19670. Sample No. 8681–H.)

LIBEL FILED: April 15, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about January 10, 1946, by the Purity Drug Co., Inc., from Passaic, N. J.

PRODUCT: 3 bottles containing approximately 33,000 *aminophyllin and phenobarbital tablets* at New York, N. Y. Analysis showed that the product contained not more than 83.5 percent of the labeled amount of phenobarbital. The product was labeled as containing ½ grain of phenobarbital.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess.

Misbranding, Section 502 (d), the label of the article failed to bear a statement of the quantity or proportion of phenobarbital since the statement "Phenobarbital ½ grain" was incorrect.

DISPOSITION: May 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1921. Adulteration and misbranding of Synthomenthol Crystals. U. S. v. 4 Cans of Synthomenthol Crystals. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19729. Sample No. 34774–H.)

LIBEL FILED: April 29, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about August 4, 1945, by the Republic Chemical Corporation, from New York, N. Y.

PRODUCT: 4 cans of *Synthomenthol Crystals* at Ponce, P. R. Examination showed that the article was an aromatic, synthetic compound known chemically as 1-methyl-3-dimethyl-cyclohexanol-5, and not menthol U. S. P. synthetic, as invoiced.

LABEL, IN PART: "Synthomenthol Crystals 'Pure-AA' Net Weight 6 pounds Bendix Chemical Corporation New York 17, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), a substance, 1-methyl-3-dimethyl-cyclohexanol-5, had been substituted for menthol U. S. P. synthetic.

Misbranding, Section 502 (a), the label designation, "Synthomenthol Crystals," was misleading as applied to the article, which was not synthetic menthol.

DISPOSITION: June 25, 1946. Gonzalez and Co., Ponce, P. R., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1922. Adulteration and misbranding of Iernoz. U. S. v. 40 Bottles of Iernoz. Decree of condemnation and destruction. (F. D. C. No. 14487. Sample No. 66899–F.)

LIBEL FILED: On or about December 22, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about April 18, 1944, by the Albert Laboratories, Inc., from Chicago, Ill.

PRODUCT: 40 1-ounce bottles of *Iernoz* at Wichita, Kans. Examination showed that the product consisted essentially of water, material extracted from berberis, and small amounts of mercury compounds.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess, i. e., "A mild germicide."

Misbranding, Section 502 (a), the labeling was false and misleading since the article was not a mild germicide, and it would not be efficacious in the treatment and alleviation of congestion or benign inflammation of the eyes, ears, or nose, conditions for which it was recommended in the labeling.

DISPOSITION: March 26, 1945. The Albert Laboratories, Inc., having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

1923. Adulteration and misbranding of camphorated oil and misbranding of Nux, Iron and Yeast. U. S. v. 6 Dozen Bottles of Camphorated Oil and 7 Dozen Bottles of Nux, Iron and Yeast. Default decree of condemnation and destruction. (F. D. C. No. 19419. Sample Nos. 35253–H, 35259–H.)

LIBEL FILED: March 11, 1946, Western District of Arkansas.

ALLEGED SHIPMENT: Between September 1 and December 31, 1945, by the Diamond C Products Co., from Oklahoma City, Okla.

PRODUCT: 6 dozen bottles of *camphorated oil* and 7 dozen bottles of *Nux, Iron and Yeast* at El Dorado, Ark.

Examination disclosed that the *camphorated oil* consisted essentially of camphor, cottonseed oil, and approximately 37 percent of a volatile oil other than camphor. The *Nux, Iron and Yeast* consisted essentially of yeast, talc, calcium and sodium glycerophosphates, and extracts of plant drugs, including a strychnine-bearing drug and a laxative drug, and it did not contain more than a minute amount of iron.

NATURE OF CHARGE: *Camphorated oil.* Adulteration, Section 501 (d) (2), a product containing approximately 37 percent of a volatile oil other than camphor had been substituted for camphorated oil U. S. P. Misbranding, Section 502 (a), the label statements, "Camphorated Oil USP * * * rheumatism, sprains, chest colds and other acute inflammation," were false and misleading since they represented and suggested that the article would be effective in the treatment of rheumatism, sprains, chest colds, and other acute inflammation, whereas it would not be effective in the treatment of those conditions.

Nux, Iron and Yeast. Misbranding, Section 502 (a), the label statements, "Nux, Iron And Yeast * * * Old Reliable Iron Tonic for weak, nervous and run down condition," were false and misleading since the article did not contain a significant amount of iron and it would not be effective for a weak, nervous, and run-down condition; and, Section 502 (e), the label failed to bear a statement of the quantity or proportion of strychnine contained in the article.

DISPOSITION: May 10, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1924. Adulteration and misbranding of absorbent cotton. U. S. v. American White Cross Laboratories. Plea of guilty. Fine, $1,200. (F. D. C. No. 16580. Sample Nos. 87521–F, 18930–H.)

INFORMATION FILED: February 18, 1946, Eastern District of Missouri, against the American White Cross Laboratories, a corporation, Cape Girardeau, Mo.

ALLEGED SHIPMENT: On or about October 30, 1943, and January 12, 1945, from the State of Missouri into the State of Minnesota.

LABEL, IN PART: "Green Cross Surgical Cotton U. S. P. * * * Distributed By Butler Brothers Chicago, Ill.," or "U. S. P. Physicians And Surgeons Absorbent Cotton * * * Distributed By Valentine Laboratories, Inc. Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 501 (b), the quality and purity of the article fell below the standard for absorbent cotton set forth in the United States Pharmacopoeia since it did not conform to the requirements of the test for sterility of solids set forth in the Pharmacopoeia but was contaminated with viable micro-organisms; and its difference in quality and purity from the official standard was not plainly stated, or stated at all, on its label.

Misbranding, Section 502 (a), the following label statements were false and misleading since they represented and suggested that the article was sterile, whereas it was contaminated with viable micro-organisms: "Absorbent Cotton U. S. P.," "Sterilized Before & After Packaging * * * Sterility Guaranteed Only if Package has not been Previously Opened or Damaged," or "U. S. P. Physicians and Surgeons Absorbent Cotton Sterilized after Packaging * * * Surgical Quality Hospital Quality * * * Manufactured and Packed under * * * sanitary conditions. Sterilized after packaging."

DISPOSITION: April 16, 1946. A plea of guilty having been entered, the court imposed a fine of $300 on each of the 4 counts of the information.

1925. Adulteration and misbranding of adhesive bandages. U. S. v. 274 Cartons of Adhesive Bandages. Default decree of condemnation and destruction. (F. D. C. No. 17547. Sample No. 14865–H.)

LIBEL FILED: March 4, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about December 8 and 18, 1945, by the Benley Co., from New York, N. Y.

PRODUCT: 274 cartons of *adhesive bandages* at Allegan, Mich.

LABEL, IN PART: (Carton) "3 Dozen Envelopes Waterproof Mercurochrome Gotham Stickrite Adhesive Bandages Manufactured By Gotham Aseptic Laboratory Co., Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be adhesive absorbent gauze (adhesive absorbent compress), a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth in the Pharmacopoeia since it was not sterile.

Misbranding, Section 502 (g), the article was not packaged as prescribed in the Pharmacopoeia, since that compendium provides that "Each Adhesive Absorbent Gauze is packaged individually in such manner that sterility is maintained until the individual package is opened. One or more individual packages are packed in a second protective container."

DISPOSITION: June 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1926. Adulteration and misbranding of prophylactics. U. S. v. 14½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 19736. Sample No. 42823–H.)

LIBEL FILED: April 30, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about March 22, 1946, by the Goodwear Rubber Co., from New York, N. Y.

PRODUCT: 14½ gross of *prophylactics* at Baltimore, Md.

LABEL, IN PART: "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the product fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement "Prophylactics" was false and misleading since the product contained holes.

DISPOSITION: June 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1927. Adulteration and misbranding of prophylactics. U. S. v. 44 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 20076. Sample No. 35735–H.)

LIBEL FILED: June 6, 1946, Eastern District of Missouri; amended libel filed on or about June 10, 1946.

ALLEGED SHIPMENT: On or about April 10, 1946, by the World Merchandise Exchange, from New York, N. Y.

PRODUCT: 44 gross of *prophylactics* at St. Louis, Mo. Examination of 96 samples showed that 7.3 percent were defective in that they contained holes.

LABEL, IN PART: "Smithies Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to the article, which contained holes.

DISPOSITION: July 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE**

1928. Misbranding of Starke Inhaler and Starke Inhalant. U. S. v. Charles J. Crafe (Lewis E. Starke Pharmacal Co.). Plea of nolo contendere. Fine, $25. (F. D. C. No. 17841. Sample No. 31440–H.)

INFORMATION FILED: March 11, 1946, Eastern District of Missouri, against Charles F. Crafe, trading as the Lewis E. Starke Pharmacal Co., St. Louis, Mo.

*See also Nos. 1904, 1905, 1907, 1918, 1921–1924, 1926, 1927.
**See also No. 1946.

ALLEGED SHIPMENT: On or about May 18, 1945, from the State of Missouri into the State of California.

PRODUCT: The *Starke Inhalant* consisted of a brown liquid containing, chiefly, water, alcohol, glycerin, guaiacol, oil of eucalyptus, menthol, and free iodine. It was accompanied by a glass device designed to enable the user to inhale vapors from the liquid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in a booklet entitled "Facts About Starke Inhalant and the Starke Inhaler," which was enclosed in packages containing the articles, were false and misleading since they represented and suggested that the articles would be effective in the prevention and treatment of sinusitis, bronchitis, influenza, pneumonia, tonsillitis, bronchial asthma, la grippe, nasal catarrh, whooping cough, rose cold, and hay fever; and that the vapors of the inhalant would be capable of destroying germs in the nose, throat, and chest. The articles would not be effective for the purposes represented.

Further misbranding, Section 502 (b) (2), the label on the carton containing the inhalant failed to bear a statement of the quantity of the contents; and, Section 502 (e) (2), it failed to bear the common or usual name of each active ingredient of the inhalant.

DISPOSITION: April 18, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $25.

1929. Misbranding of electric bulbs. U. S. v. 11 Electric Bulbs and 35 Circulars and 2 Display Cards. Default decree of condemnation and destruction. (F. D. C. No. 16671. Sample No. 27022–H.)

LIBEL FILED: July 11, 1945, District of Montana.

ALLEGED SHIPMENT: By the U. S. Hospital Supply Co., from Minneapolis, Minn. The bulbs were shipped on or about June 7, 1945, and the circulars and display cards were shipped on or about November 18, 1944.

PRODUCT: 11 unlabeled *electric bulbs* at Helena, Mont., together with 35 circulars entitled "A New Scientific Development" and 2 display cards entitled "Now! Deep Infra-Red Ray From Any Light Socket." The electric bulbs were made of ruby glass, partially silvered on the inside, and were designed to produce heat.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling were false and misleading since they represented and implied that the article would be an adequate treatment for the conditions named, whereas the only therapeutic function of the article would be the production of heat, and heat does not constitute an adequate treatment for such conditions: (Circular and placard) "Prostatic Troubles Sprains * * * Sinus trouble Neuralgia Rheumatism Lumbago Neuritis Pleurisy Pneumonia Tonsillitis Influenza Arthritis Bronchitis Catarrh Asthma Fractures Womens ailments Deafness Ear Trouble Skin diseases Torticollis Boils when open Cholecystitis Endocarditis Low red blood count To Raise Lowered Vitality To Improve Nervous System To Relieve Pain * * * To Improve Circulation To Promote Absorption of Exudate To Increase Red Blood Count And many others"; (placard) "For superficial conditions, such as infections, acute inflammations * * * deep-seated lesions * * * for general systematic treatment * * * tends to induce active circulation."

DISPOSITION: September 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product and printed matter were ordered destroyed.

1930. Misbranding of Vrilium Catalytic Barium Chloride. U. S. v. 5 Tubes of Vrilium Catalytic Barium Chloride, and a number of labels and leaflets. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 19702. Sample No. 15878–H.)

LIBEL FILED: April 24, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about December 11, 1945, by Dr. Raymond C. Kistler, from Chicago, Ill.

PRODUCT: 5 tubes of *Vrilium Catalytic Barium Chloride* at Wyandotte, Mich., together with 5 labels reading, in part, "Vrilium Catalytic Barium Chloride in combination with slight quantities of other elements," and 5 leaflets entitled "General Directions." Examination showed that the product was a small metal pencil-shaped tube containing a glass vial of a white granular

substance. Tests of a sample showed that it was entirely devoid of radioactivity (emanations).

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading since they represented and suggested that the article would be effective to give forth emanations having physiological value; and that it would be effective in the treatment of conditions involving the sinuses, bronchial tubes, thyroid, low red blood corpuscle count, injuries, burns, and illness in general. The article would not be effective for such purposes.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product and printed matter were ordered delivered to the Food and Drug Administration.

1931. Misbranding of Burns' Cuboids. U. S. v. 1,235 Pairs of Burns' Cuboids, and a number of circulars, leaflets, and display cards. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13323. Sample No. 69412–F.)

LIBEL FILED: August 15, 1944, District of Colorado.

ALLEGED SHIPMENT: By the Burns Cuboid Co., from Santa Ana, Calif. The product was shipped at various times, including May 31, 1944, and the leaflets and display cards were shipped at various times, including June 3, 1944.

PRODUCT: 1,235 pairs of *Burns' Cuboids* at Denver, Colo., together with a number of circulars entitled "Balance! The Modern Way to Foot Relief," a number of leaflets entitled "In Foot Relief It's Modern Science * * * That Makes Cuboid Foot Balancers The Leader," and a number of placards entitled "The Modern Way to Foot Relief." This product was a device to be worn in the shoe like an innersole. It consisted of 3 pressed cork pads, one on each side and one near the front. They were covered on the top with smooth leather and on the bottom with suede leather.

LABEL, IN PART: (Carton) "Cuboids For Foot Relief and Comfort * * * for redistributing Body Weight Aid in Making the Sole of Your Shoe fit the Sole of your Foot. * * * Balances the body weight."

NATURE OF CHARGE: Misbranding, Section 502 (a) certain statements on the carton labels and in the circulars, leaflets, and placards, together with designs of the feet in the circulars, were false and misleading. The statements and designs represented and suggested that the article would afford foot relief and comfort; that it would redistribute and balance body weight; and that it would help one to walk correctly and comfortably. They further represented and suggested that the article would be efficacious in the treatment of weak, aching feet; that it would relieve strain and fatigue; that it would relieve pressure on the metatarsals; that it would aid circulation and relieve nerve tension; that it would aid posture and strengthen weak arches; that it would exercise, tone, and strengthen flabby foot muscles; and that it would correct weak and inrolling feet and swollen feet and ankles. The article would not fulfill the promises of benefit stated and implied by the statements and designs.

DISPOSITION: On September 29, 1944, the Burns Cuboid Co. having appeared as claimant, the case was ordered removed to the Northern District of California, pursuant to stipulation between the Government and the claimant. On May 2, 1945, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the circulars, leaflets, and display cards be destroyed.

1932. Misbranding of E-Z-Lax. U. S. v. 10 Cases of E-Z-Lax and 3 Circulars. Default decree of destruction. (F. D. C. No. 19765. Sample No. 51503–H.)

LIBEL FILED: May 11, 1946, District of Minnesota.

ALLEGED SHIPMENT: By Worthington Foods, Inc., from Worthington, Ohio. The product was shipped on or about January 3, February 10, and March 22, 1946, and the circulars were shipped on or about February 1, 1946.

PRODUCT: 10 cases, each containing 12 10-ounce jars, of *E–Z–Lax* at St. Paul, Minn., together with 3 circulars entitled "Enjoy Life at Its Fullest." Examination showed that the product had essentially the composition indicated on its label.

LABEL, IN PART: "E–Z–Lax Contains Psyllium Gum, Lactose, Dextrin, Lemon Flavor and Dicalcium Phosphate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that

the article would be effective in the treatment of auto-intoxication, bad breath, billiousness, fatigue, flatulence, headaches, and sour stomach; and that it would be effective in suppressing putrefaction and in combating infection. The article would not be effective for those purposes.

DISPOSITION: July 3, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

1933. Misbranding of Laken's 9 Drops Brand Capsules and Liquid. U. S. v. 6¾ Dozen Packages of Laken's 9 Drops Brand Capsules and Liquid. Default decree of condemnation and destruction. (F. D. C. No. 19671. Sample No. 65305–H.)

LIBEL FILED: On or about April 23, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about January 29, 1946, by the Ambler Drug Co., from Ambler, Pa.

PRODUCT: 6¾ dozen packages of *Laken's 9 Drops Brand Capsules and Liquid* at Atlantic City, N. J. Examination showed that the capsules consisted essentially of aspirin, acetophenetidin, and caffeine; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and the design of a man in pain, appearing in a circular entitled "Facts everyone should know about," which circular was enclosed in the packages of the article, were false and misleading since they represented and suggested that the article would be effective in the treatment of rheumatism, arthritis, backache, swollen joints, lumbago, neuritis, rheumatic pains, and stiff joints; that it would be effective as an analgesic to get at the main cause of so-called rheumatism; and that it would be effective in the treatment of the suffering and discomfort associated with common colds. The article would not be effective for such purposes.

DISPOSITION: May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1934. Misbranding of Ear-Ol. U. S. v. 5 Dozen Packages of Ear-Ol. Default decree of condemnation and destruction. (F. D. C. No. 19423. Sample No. 25155–H.)

LIBEL FILED: March 19, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about January 18, 1946, from Dallas, Tex., by the First Texas Chemical Manufacturing Co.

PRODUCT: 5 dozen packages of *Ear-Ol* at Jackson, Miss. Examination disclosed that the product consisted essentially of carbolic acid (phenol), benzocaine (anesthesin), menthol, boric acid, and glycerin.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement, "Suggested in the temporary relief of simple earache," was false and misleading since the article would not be effective in the treatment of earache.

DISPOSITION: May 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1935. Misbranding of V-T Preparation. U. S. v. 228 Bottles of V-T Preparation, and 1,494 Circulars. Default decree of condemnation and destruction. (F. D. C. No. 18967. Sample No. 24738–H.)

LIBEL FILED: January 10, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about October 10, 1945, by the T-Lax Products Co., from Birmingham, Ala.

PRODUCT: 228 bottles of *V-T Preparation* at Leland, Miss., together with 1,494 circulars entitled "Vitamins May Mean Life or Death." Analysis showed that the product contained not more than 6.8 grains per fluid ounce of iron and ammonium citrate and not more than 3.05 grains per fluid ounce of calcium hypophosphite.

LABEL, IN PART: "V-T Preparation * * * Each Fluid Ounce Contained When Packed Vitamin B_1 (Thia. Chlor.) * * * 2000 USP Units, Liquid Vitamin B Complex * * * 2 Grains, Liver Extract * * * 1 Grain, Iron and Ammonium Citrate * * * 8 Grains, Calcium Hypophosphite * * * 4 Grains, Manganese Citrate * * * 1 Grain, Copper Proteinate * * * 1/40 Grain, Malt Extract * * * 72 Grains."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the circulars were false and misleading since they repre-

sented and implied that the article contained 8 grains of iron and ammonium citrate and 4 grains of calcium hypophosphite per fluid ounce; that it would assist the body in the formation of red blood corpuscles; that it would build weight and strength; and that it would be efficacious in the cure, mitigation, treatment, and prevention of lost appetite, indigestion, after-eating pains, gas, bloating, belching, nausea, sick headache, heartburn, constipation, biliousness, spots before the eyes, backache, loss of energy and vitality, too frequent kidney action, arm and leg pains, bad blood, bad color, boils, pimples, lost weight, stiff joints, sore muscles, rheumatism, nervousness, a tired-out feeling, colds, infection, brittle finger nails, despondency, and irritability. The article did not contain the declared proportions of iron and ammonium citrate and calcium hypophosphite; and it would not be effective to produce the benefits stated and implied.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: May 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1936. Misbranding of Cal-O-Dine. U. S. v. 49 Bottles of Cal-O-Dine, and 375 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 18713. Sample No. 27869-H.)

LIBEL FILED: January 7, 1946, Western District of Washington.

ALLEGED SHIPMENT: From Alameda, Calif., by the Cal-O-Dine Laboratories. The product was shipped on or about August 17, 1945. The leaflets had been shipped on or about October 12, 1943.

PRODUCT: 49 ½-gallon bottles of *Cal-O-Dine* at Seattle, Wash., together with 375 leaflets entitled "The Mysterious ingredient of sea-water." Examination showed that the product consisted essentially of small proportions of calcium, iron, and iodine compounds dissolved in sea water.

LABEL, IN PART: (Leaflets) "The Mysterious ingredient of sea-water, which must be present in addition to the salts and minerals of sea water, has long been a subject of interest for marine biologists. The lack of this ingredient in artificial sea-water results in inability of the aquarium to support marine life. The inorganic composition of sea water is, in general terms, similar to the composition of extracellular fluids in the body. Like the body, the ocean maintains a constant osmotic, ionic and acid-base structure and a nearly constant temperature, and it uses for these purposes the same materials as those found in the body. The concentration of the minerals in sea-water is over three times that of the blood serum."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the leaflets quoted above, when read in connection with the directions for ingestion of sea water, (bottle label) "Directions Six teaspoonfulls (one ounce) daily, 2 with each meal in water, fruit or vegetable juice. Cal-O-Dine is scientifically designed to supplement the diet with desirable amounts of three important minerals, Calcium, Iron and Iodine and when taken as directed supplies Calcium—375 milligrams 50% minimum daily requirement Iron—10 milligrams 100% minimum daily requirement Iodine—0.1 milligrams 100% minimum daily requirement Net Contents 64 Ounces Price $10.00," were misleading since the statements and directions created the impression that the ingestion of sea water would serve some useful purpose. The ingestion of sea water would serve no useful purpose.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product and leaflets were ordered destroyed.

1937. Misbranding of Red Hearts Tonic. U. S. v. 4½ Dozen Bottles of Red Hearts Tonic, and 300 Envelopes. Default decree of condemnation and destruction. (F. D. C. No. 19483. Sample No. 24599-H.)

LIBEL FILED: April 2, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 26, 1946, by the Reese Chemical Co., from Cleveland, Ohio.

PRODUCT: 4½ dozen bottles of *Red Hearts Tonic* at Birmingham, Ala., together with 300 envelopes entitled "If You Lack Ambition to 'Go Places and Do Things' Try Red Hearts." Examination showed that the article consisted essentially of iron sulfate with a small amount of manganese sulfate.

LABEL, IN PART: "Red Hearts Iron Mangenese B_1 and E Tonic."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements and designs in the labeling of the article were false and misleading since the article would not be effective in imparting pep and ambition: (Display carton) "Gee! You're full of Pep—[cut showing older couple dancing] Of Course! He's taking Red Hearts"; (envelope) "Gee! You're full of Pep—[cut showing older couple dancing] If you Lack Ambition to 'Go Places and Do Things' Try Red Hearts * * * Try them and see if they do not make you feel wonderful."

DISPOSITION: May 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1938. Misbranding of Ortex Tablets and Kayon Tablets. U. S. v. 40 Bottles of Ortex Tablets and 62 Bottles of Kayon Tablets. Default decree of condemnation and destruction. (F. D. C. No. 19265. Sample Nos. 7278–H, 7279–H.)

LIBEL FILED: March 8, 1946, Northern District of New York.

ALLEGED SHIPMENT: On or about October 26 and November 30, 1945, by the Berland Pharmacal Co., from Cleveland, Ohio.

PRODUCT: 28 20-tablet bottles and 12 100-tablet bottles of *Ortex Tablets* and 31 20-tablet bottles and 31 75-tablet bottles of *Kayon Tablets* at Binghamton, N. Y. Examination showed that the products had essentially the composition stated on their labels.

LABEL, IN PART: "Ortex * * * Each Tablet Contains: Vitamin B_1 666 U. S. P. Units Yohimbin Hydrochloride 0.005 gm Orchic Substance 0.050 gm Calcium Glycerophosphate 0.150 gm Sodium Glycerophosphate 0.150 gm," or "Kayon Tablets Each tablet contains ⅛ grain Extract Belladonna Leaves containing 0.00156 grain Total Alkaloids of Belladonna and $\frac{1}{10}$ grain Extract Nux Vomica containing 0.00738 grains Strychnine. Also contains Methenamine. Extract Ergot, Potassium Bicarbonate and Extract Rhus Aromatica. For Adults For the temporary relief of incontinence."

NATURE OF CHARGE: *Ortex Tablets.* Misbranding, Section 502 (c), the common or usual names of the active ingredients of the article, which are required by Section 502 (e) to appear on the label, did not appear on the label in such terms as to render them likely to be understood by the ordinary individual under customary conditions of purchase and use, since no distinction had been made in the list of ingredients between those which were active and those which were inert, such as orchic substances.

Kayon Tablets. Misbranding, Section 502 (a), the label statement, "For the temporay relief of incontinence," was false and misleading since the article would not be effective for that purpose.

DISPOSITION: April 10, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1939. Misbranding of Prostall Capsules. U. S. v. 4 Bottles of Prostall Capsules, and 50 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 19764. Sample No. 7377–H.)

LIBEL FILED: May 7, 1946, District of New Jersey.

ALLEGED SHIPMENT: From Boston, Mass., by the Douglas Laboratories, Inc. The product was shipped on or about January 2, 1946, and the leaflets were shipped during the month of December 1945.

PRODUCT: 4 100-capsule bottles of *Prostall Capsules* at Plainfield, N. J., together with 50 leaflets entitled "The Story of Prostall." Analysis showed that the product consisted essentially of glutamic acid and aminoacetic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the bottle label, and certain statements contained in the leaflet accompanying the article, were false and misleading: "Prostall 'Stalls Off Pain' * * * relieves the symptoms of prostate hypertrophy (prostitis). Relief starts in a few days and improvement continues thereafter. Prostall permanently relieves some cases. However, it is primarily a pain-reducer in time." These statements represented and suggested that the article would be effective in the relief of pain and prostate hypertrophy, whereas it would not be effective for such purposes. Further misbranding, Section 502 (e) (2), the drug was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: June 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

1940. Misbranding of Blackturk. U. S. v. Alphonse LaRochelle (Stone Ridge Turkey Farm). Plea of guilty. Fine, $500. Defendant placed on probation for 2 years. (F. D. C. No. 15586. Sample Nos. 59971–F, 81333–F.)

INFORMATION FILED: January 8, 1946, District of Minnesota, against Alphonse LaRochelle, trading as the Stone Ridge Turkey Farm, Crookston, Minn.

ALLEGED SHIPMENT: On or about May 1 and November 2, 1944, from the State of Minnesota into the States of Indiana and Kansas.

LABEL, IN PART: "Blackturk Black Head Cure For Turkeys."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements, "Black Turk Blackhead Cure for Turkeys * * * Treats 100 Small or Adult Turkeys * * * This will cure blackhead in turkeys," borne on the bottle label, and certain statements contained in an accompanying circular entitled "Blackturk Blackhead Cure For Turkeys," were false and misleading. They represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of blackhead in turkeys, hexamitiosis, trichomoniasis, typhoid, paratyphoid, and coccidiosis in poults and older turkeys. The article would not be efficacious for the purposes represented and suggested.

DISPOSITION: June 4, 1946. A plea of guilty having been entered, the defendant was fined $500 on count 1. He was placed on probation for 2 years on count 2, on condition that he desist from the manufacture of the product.

1941. Misbranding of Blake's Stop-Bloat Chemicals. U. S. v. 10 Cartons of Blake's Stop-Bloat Chemicals. Tried to the court. Decree of condemnation and destruction. (F. D. C. No. 16629. Sample No. 26585–H.)

LIBEL FILED: June 21, 1945, District of Wyoming.

ALLEGED SHIPMENT: On or about May 15, 1945, by the Hy-Life Mineral Co., from Denver, Colo.

PRODUCT: 10 cartons of *Blake's Stop-Bloat Chemicals* at Greybull, Wyo. Examination showed that the product consisted essentially of ammonium chloride, potassium chlorate, calcium carbonate, sodium sulfate, iron oxide, and a small amount of anise, sand, and plant material, including tobacco.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements and design on the carton label, and further similar statements on the carton and in a circular entitled "Blake's Stop-Bloat Chemicals" and a display card entitled "Keep 'Em Alive! with Blake's Stop-Bloat," which accompanied the article, were false and misleading: "Keep 'Em Alive [picture of two animals dead from bloating] Blake's Stop-Bloat Chemicals A chemical preparation designed to treat live-stock against bloating while in Green Alfalfa, Clover, Larkspur, and Sneeze-weed ranges, as well as sheep and cattle on barley or other grain feeds, in feed lots. * * * How To Use Blake's Stop-Bloat 1. Mix entire contents of this package thoroughly with 100 lbs. of fine salt and remove all other salt. Place this mixture in convenient areas where stock may have easy access to it." The labeling referred to represented and suggested that the article, when used as directed, would be effective in the prevention of bloating of livestock. The article, when used as directed, would not be effective for such purposes.

DISPOSITION: On December 20, 1945, the Hy-Life Mineral Co. having appeared as claimant, the case came on for trial before the court, without a jury. After the witnesses present had testified, the case was continued by stipulation in order to obtain the evidence of two other witnesses, and it came on again on February 28, 1946. After hearing the two witnesses and arguments of counsel, the court took the case under advisement, and on March 11, 1946, handed down findings of fact and conclusions of law in favor of the Government. On March 11, 1946, judgment was entered condemning the product and ordering that it be destroyed.

1942. Misbranding of Blake's Stop-Bloat Chemicals. U. S. v. 18 Cartons of Blake's Stop-Bloat Chemicals. Default decree of condemnation and destruction. (F. D. C. No. 19170. Sample No. 27100–H.)

LIBEL FILED: February 13, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about March 19, 1945, by the Hy-Life Mineral Co., from Denver, Colo.

PRODUCT: 18 cartons of *Blake's Stop-Bloat Chemicals* at Morrill, Nebr.

NATURE OF CHARGE: Misbranding, Section 502 (a), the article, which was of the same composition as the article involved in the case reported in notices of judgment on drugs and devices No. 1941, bore in its labeling the same false and misleading statements and design.

DISPOSITION: May 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1943. Misbranding of Heberlings Poultry Wormer Flock Treatment. U. S. v. 1,536 Packages of Heberlings Poultry Wormer Flock Treatment. Default decree of condemnation and destruction. (F. D. C. No. 19672. Sample No. 34962–H.)

LIBEL FILED: April 15, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 17, 1945, by the J. R. Watkins Co., from Winona, Minn.

PRODUCT: 1,536 6-ounce packages of *Heberlings Poultry Wormer Flock Treatment* at Bloomington, Ill. Analysis of a sample showed that the product consisted essentially of nicotine, 5 percent, incorporated in inert material such as aluminum silicate, oxides of calcium, magnesium, iron, silicon, and sodium.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the package label were false and misleading: "Poultry Wormer Flock Treatment * * * Sufficient for: * * * 300 young chickens * * * Directions For Using Heberlings Poultry Wormer * * * For 25 Young Chickens * * * One-half ounce (two level tablespoonfuls) Wormer mixed with half pound of mash. * * * Mix the Poultry Wormer." The statements represented and suggested that the article would be an effective wormer for all species of worms which infest poultry, whereas it was not an effective wormer for all species of worms which infest poultry and, when used as directed, it would not be an effective wormer for any species of worms which infest chickens.

DISPOSITION: June 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1944. Misbranding of Natronox. U. S. v. 81 Packages of Natronox. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19730. Sample No. 53123–H.)

LIBEL FILED: May 2, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about April 4, 1946, by the Pitman-Moore Co., from Indianapolis, Ind.

PRODUCT: 81 5-pound packages of *Natronox* at Columbus, Ohio. Analysis disclosed that the product was a strongly alkaline, purple-colored, granular mixture consisting of carbonates, thiosulfate, copper sulfate, phenol, methylene blue, chlorides, and aromatics.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of gastro-intestinal inflammations, diarrhea, and intestinal infections of animals. The article would not be effective for such purposes.

DISPOSITION: May 22, 1946. The Pitman-Moore Co., Division of Allied Laboratories, Inc., Indianapolis, Ind., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1945. Misbranding of condensed buttermilk. U. S. v. 25 Barrels of Condensed Buttermilk, and a number of pamphlets. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17571. Sample No. 22189–H.)

LIBEL FILED: September 19, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: The product was shipped by the Merchants Creamery Co., from Cincinnati, Ohio, on or about July 10, 1945. The pamphlets were shipped by mail during the month of February 1945.

PRODUCT: 25 barrels of *condensed buttermilk* at Mattoon, Ill., and a number of pamphlets entitled "Blue Ribbon Condensed Milk." Examination of a sample of the product disclosed that it contained 6.70 percent of protein,

LABEL IN PART: "Blue Ribbon Special Condensed Buttermilk * * * Guaranteed Analysis Protein—10%."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the pamphlets were false and misleading since they represented and suggested that the article would be effective to promote faster growth, better health, resistance to disease, lower mortality, better digestion in livestock and poultry, and increased hatchability and egg production in poultry; and that it would be effective in the treatment of worms and necrotic enteritis in hogs and coccidiosis in poultry. The article would not be effective for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: February 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, with the condition that all labels and pamphlets be destroyed.

1946. Misbranding of Germ-O-Tone. U. S. v. 485 Bottles of Germ-O-Tone. Default decree of condemnation and destruction. (F. D. C. No. 18971. Sample No. 32285-H.)

LIBEL FILED: January 18, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about August 8, 1945, by the A-1 Poultry Products Co., from Albuquerque, N. Mex.

PRODUCT: 485 bottles, in sizes varying from ½ pint to 1 gallon, of *Germ-O-Tone* at Flagstaff, Ariz. Analysis showed the product consisted essentially of water, with small proportions of compounds of sulfur, calcium, and iodine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading in that the article would not be effective in the prevention or treatment of the diseases, symptoms, or conditions of poultry, animals, or humans stated and implied: "Germ-O-Tone for baby chicks and poults, growing and adult chickens, growing and adult turkeys, rabbits, pigeons, pigs, hogs, calves and dogs. Put in the Drinking Water. Prevents and removes intestinal worms from poultry, livestock, and dogs. Aids in keeping lice, mites, bluebugs, and fleas down on all ages of poultry, dogs, and livestock. Helps to prevent Diarrheas, Coccidiosis, and other intestinal troubles in chicks, poults, growing and adult poultry, turkeys, rabbits, dogs and all livestock. Also acts as a tonic and keeps them doing good. For sorehead and roup in poultry; bites, stings * * * rash, itching * * * in humans; ear canker and sore hocks in rabbits."

DISPOSITION: April 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1947. Misbranding of Brink's Kre-O-Col. U. S. v. 18 Bottles of Brink's Kre-O-Col, and 1 Poster. Default decree of destruction. (F. D. C. No. 19451. Sample No. 51039-H.)

LIBEL FILED: April 3, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about June 15, 1945, by Barlow, Wright, & Shores, Inc., from Cedar Rapids, Iowa. The placard was delivered about a year previous to the shipment of the product.

PRODUCT: 18 1-quart bottles of *Brink's Kre-O-Col* and 1 poster at Edgerton, Minn. Analysis showed that the product consisted essentially of water and isopropyl alcohol, with small quantities of guaiacol, eucalyptus oil, camphor oil, and creosote.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements and design in the labeling were false and misleading: (Label) "To be used as an aid in relieving mucus accumulations of the nose and throat in poultry * * * At the first signs of mucus accumulations in the nose and throat of your fowls, use this product as directed"; (placard) "Fight Colds with Kre-O-Col drinking water medication easy to use Simple-Effective [picture of a chick gasping for breath with closed eyes]." The labeling represented and suggested that the article would be effective as an aid in relieving accumulations of the nose and throat in poultry or fowls and would be effective against colds of chicks and older birds. The product would not be effective for the purposes claimed.

DISPOSITION: June 24, 1946. No claimant having appeared, judgment was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF DECEPTIVE PACKAGING

1948. Misbranding of Victory Ointment. U. S. v. 12 Dozen Cartons of Victory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 19424. Sample No. 1365–H.)

LIBEL FILED: March 19, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 7, 1946, by the Drexel Laboratories, from Drexel Hill, Pa.

PRODUCT: 12 dozen cartons, each containing 1 1-ounce jar, of *Victory Ointment* at Jacksonville, Fla.

NATURE OF CHARGE: Misbranding, Section 502 (i) (1), the container was so made, formed, and filled as to be misleading, since the carton was much larger than was necessary to hold the size of the jar placed therein; and, Section 502 (b) (2), it failed to bear a label containing an accurate statement of the quantity of contents, since the jar label failed to bear any quantity of contents statement.

DISPOSITION: May 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1949. Misbranding of F & F Medicated Lozenges. U. S. v. 149 Dozen Packages of Medicated Lozenges. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 19558. Sample No. 16391–H.)

LIBEL FILED: March 27, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about February 2, 1946, by the F & F Laboratories, Inc., from Chicago, Ill.

PRODUCT: 149 dozen packages of *medicated lozenges* at Milwaukee, Wis.

LABEL, IN PART: "F&F Medicated Lozenges For Coughs due to Colds Net Weight 2¼ Oz."

NATURE OF CHARGE: Misbranding, Section 502 (i) (1), the container of the article was so filled as to be misleading since an additional 6 lozenges could be placed in each package.

DISPOSITION: June 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be disposed of in accordance with the further order of the court. The product was subsequently delivered to charitable institutions.

1950. Misbranding of adhesive strips. U. S. v. 151 Cartons of Adhesive Strips. Default decree of condemnation Product ordered delivered to public institutions. (F. D. C. No. 17300. Sample No. 12018–H.)

LIBEL FILED: August 24, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about July 10, 1945, by the Hampton Manufacturing Co., from Carlstadt, N. J.

PRODUCT: 151 cartons, each containing 12 packages, of *adhesive strips* at Providence, R. I.

LABEL, IN PART: "12 Blue Cross Sterilized Adhesive Strips Mercurochrome Pad."

NATURE OF CHARGE: Misbranding, Section 502 (i) (1), the container was so made, formed, and filled as to be misleading since the retail package was much larger than was necessary to contain the number of adhesive strips placed therein.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public institutions.

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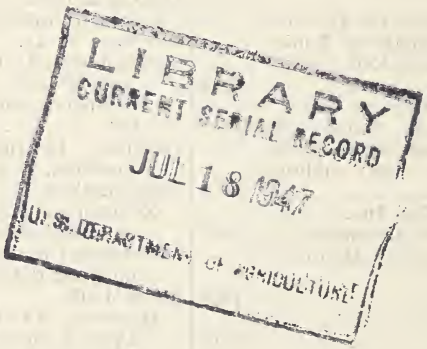
PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] (1941) Seizure contested.

[1] (1941) Seizure contested.



U. S. GOVERNMENT PRINTING OFFICE: 1947

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1951–2000

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*
WASHINGTON, D. C., *May 29, 1947.*

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DRUGS AND DEVICES ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1951. Adulteration and misbranding of Livo-Plex. U. S. v. Vincent Christina and Co., Inc., and Vincent Christina. Pleas of guilty. Fine, $1,500. (F. D. C. No. 15497. Sample Nos. 53586–F, 53588–F, 58700–F.)

INFORMATION FILED: April 17, 1946, Southern District of New York, against Vincent Christina and Co., Inc., New York, N. Y., and Vincent Christina, president of the corporation.

ALLEGED SHIPMENT: On or about May 2 and June 1 and 19, 1944, from the State of New York into the State of Maryland.

PRODUCT: *Livo-Plex.* Bacteriological examination showed that the product was contaminated with living micro-organisms.

LABEL, IN PART: "Vial 10 cc. Livo-Plex * * * For Intramuscular Use."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality and purity of the article fell below that which it purported and was represented to possess. Its labeling bore the statement "For Intramuscular Use," which implied that it was an appropriate drug to be used for injection into the muscular tissues, a use which requires a sterile product, whereas the article was unsterile and was contaminated with viable micro-organisms.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage suggested in the labeling, "Each 1 cc contains: Injectable

* For failure to bear a label containing an accurate statement of the quantity of the contents, see Nos. 1955, 1956, 1962, 1966, 1978; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 1956, 1962; cosmetic, actionable under the drug provisions of the Act, No. 1978.

Liver 100 gms., Thiamine HCl (B_1) 10 mg., Riboflavin (B_2) 0 1 mg., Pyridoxine HCl (B_6) 1 mg., Nicotinamide 10 mg., Calcium Pantothenate 0.1 mg., Phenol 0.5% For Intramuscular Use Caution: To be used only by or on the prescription of a physician." The labeling suggested the injection of the article into the muscular tissues in a dosage of 1 cc, or in a dosage appropriate for intramuscular injection. The article when used as suggested would be dangerous to health by reason of its contamination with viable micro-organisms.

DISPOSITION: April 30, 1946. The defendants having entered pleas of guilty, the court imposed a fine of $250, jointly and severally, on each of six counts, a total fine of $1,500.

1952. Misbranding of crystalline sulfanilamide. U. S. v. 500 Envelopes of Crystalline Sulfanilamide. Default decree of condemnation and destruction. (F. D. C. No. 20507. Sample No. 8660–H.)

LIBEL FILED: July 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about February 15 and 23, 1945, by the A. E. Halperin Co., Inc., from Boston, Mass.

PRODUCT: 500 envelopes of *crystalline sulfanilamide* at New York, N. Y.

LABEL, IN PART: "5 Grams Sterile Crystalline Sulfanilamide."

NATURE OF CHARGE: Misbranding, Section 502 (j), the product was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the following labeling: "Directions * * * After controlling hemorrhage, sprinkle powder in wound, covering the depth and injured surfaces lightly, then cover with sterile dressing and bandage."

DISPOSITION: July 31, 1946. No claimant having appeared, judgment of condemnation was entered and it was ordered that the Federal Security Agency be permitted to take samples of the product, and that the remainder be destroyed.

1953. Misbranding of Kohl's All Soothing Ointment. U. S. v. 141 Cartons of Kohl's All Soothing Ointment. Default decree of condemnation and destruction. (F. D. C. No. 20706. Sample No. 14085–H.)

LIBEL FILED: August 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 27, 1946, by the Commerce Drug Co., from Brooklyn, N. Y.

PRODUCT: 141 cartons, each containing 1 tin, of *Kohl's All Soothing Ointment* at Cincinnati, Ohio. Examination showed that the product consisted essentially of carbolic acid, not less than 5.1 percent, boric acid, zinc oxide, sulfur, menthol, thymol, camphor, juniper tar, and wood tar, in an ointment base.

LABEL, IN PART: (Circular enclosed in carton) "Worn-out and injured tissue is benefited, healing processes hastened, * * * It is harmless * * * Having a favorable influence on skin injuries such as * * * Frost Bites * * * Old Sores, Ulcers and Wounds (accompanied by offensive discharges) * * * Simple Eczema."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in a circular enclosed in the carton of the article were false and misleading since they represented and suggested that the article would be harmless; that it would be effective in benefiting worn-out and injured tissues; that it would be effective in hastening healing processes; and that it would be effective in the treatment of frost bites, old sores, ulcers and wounds accompanied by offensive discharges, and simple eczema. The article was not harmless, and it would not be effective for the purposes represented.

Further misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the following labeling: "Apply freely, on cloth or bandage, to the injured part. Renew the dressing frequently, as required." In addition, it would be dangerous to health when used in accordance with the representations for its use on extensive areas of the body, as in the treatment of sunburn and ivy poisoning.

The article was alleged also to be misbranded under the Federal Caustic Poison Act, as reported in notices of judgment on caustic poisons.

DISPOSITION: September 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1954. Misbranding of first aid kits. U. S. v. 594 First Aid Kits. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 20234. Sample No. 63642–H.)

LIBEL FILED: On or about June 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about April 9, 1946, by the H. P. Enterprise Co., from New York, N. Y.

PRODUCT: 594 *first aid kits* at Fair Lawn, N. J. Examination showed that each of the kits contained, among other items, vials of tablets designated as "Amphetamine Sulfate—5 MG.," "Atabrine Tablets," and "Wound Tablets." Analytical tests disclosed that the *wound tablets* contained sulfadiazine.

LABEL, IN PART: "First Aid Instructions Vest, Emergency, Sustenance Type C–1."

NATURE OF CHARGE. Misbranding, Section 502 (j), the products were dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the following labeling: (*Amphetamine sulfate tablets*) "Directions: Take one tablet if sleepy or two tablets if extremely fatigued. Repeat this dose in six hours if necessary but do not take more than six tablets in any one week," and (*wound tablets*) "Use—When Hit: Take all tablets. Drink lots of water. * * * Wounds—Take internally by mouth, followed by a large amount of water, 8 Sulfadiazine tablets."

Misbranding, Section 502 (f) (1), (*Atabrine tablets*) the labeling failed to bear adequate directions for use. The following directions in the labeling were not adequate directions for use in the prevention or treatment of malaria: "Use: For Prevention of Symptoms of Malaria. Take first dose (1 tablet) in the morning and second dose (1 tablet) in the evening after meals on two days of each week. Skip 2 or 3 days between days of taking Atabrine. Start to take Atabrine on first day you are in malarial area and continue to take it as long as you are in a malarial area * * * Malaria (Chills and Fever) (Prevention)—Take first dose of Atabrine (1 tablet) in morning and second dose (1 tablet) in the evening after meals on 2 days of each week. Skip two or three days between the days of taking Atabrine. Start to take Atabrine on the first days you are in a malarial area and continue to take it as long as you are in a malarial area."

DISPOSITION: July 23, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution after the destruction of the labels under the supervision of the Food and Drug Administration.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1955. Misbranding of Todd's Tonic Bitters, Todd's Laxanodine, and Todd's Irontone. U. S. v. Thomas I. Todd (Todd Medicine Co.). Plea of nolo contendere. Fine of $300 and probation for 3 years. (F. D. C. No. 16584. Sample Nos. 87011–F, 87012–F, 87135–F.)

INFORMATION FILED: November 6, 1945, Middle District of Georgia, against Thomas I. Todd, trading as the Todd Medicine Co., Athens, Ga.

ALLEGED SHIPMENT: On or about July 27 and November 25, 1944, from the State of Georgia into the State of Michigan.

PRODUCT: Analyses disclosed that the *Tonic Bitters* consisted essentially of sodium salicylate, extracts of plant drugs, including a laxative drug and a bitter drug, alcohol 3.94 percent by volume, and water; that the *Laxanodine* consisted essentially of sodium salicylate, extracts of plant drugs, including a laxative drug and a bitter drug, and water; and that the *Irontone* consisted essentially of extracts of plant drugs, including a laxative drug and a bitter drug, a small proportion of salicylic acid, iron acetate (approximately 1.1 percent), and water.

NATURE OF CHARGE: *Tonic Bitters*, misbranding, Section 502(a), certain statements on the label of the article, and the statement in the circular enclosed in the package containing the article, "Good Health Is Worth More Than Riches or Gold," were false and misleading since they represented and suggested that the article was a tonic, diuretic, and alterative; that it would be efficacious in the cure, mitigation, treatment, and prevention of diseases of the stomach, kidneys, bladder, bowels, and blood, rheumatism, lumbago, faulty elimination of the kidneys, and affections of the urinary tract; that it was an efficacious tonic to the stomach and alimentary tract; that it would restore vigorous

*See also No. 1954.

health to puny, run-down people; that it was a curative, health-building tonic which contained medicine that would be efficacious in the cure, mitigation, treatment, and prevention of diseases and ailments of the liver, kidneys, stomach, spleen, and blood; that it would relieve bladder irritation, would drive out poisonous uric acid, would improve the digestion, would heal the irritated conditions of the stomach and intestinal tract; and that it would be efficacious in the cure, mitigation, treatment, and prevention of aches, pains, and weak run-down conditions, constipation, nervousness, sick headaches, pains under the shoulder, kidney and bladder troubles, indigestion and stomach troubles, misery in the back, sides, and limbs, sore and painful back and head, disturbances of sleep, burning and stinging sensation in the bladder, and frequent urination. The article was not a tonic, diuretic, and alterative, and it would not be efficacious for the purposes represented.

Laxanodine, misbranding, Section 502(a), certain statements on the label of the article and in the above-mentioned circulars accompanying the article were false and misleading since they represented and suggested that the article would be efficacious in the treatment of derangements of the liver; that it was a tonic; that it would be efficacious in the cure, mitigation, treatment, and prevention of biliousness, sick headache, acute and chronic indigestion, fevers, jaundice and bowel troubles, constipation, cholera morbus, colics, and teething troubles; that it would be efficacious to restore vigorous health to puny run-down people; that it was a healing medicine prepared from nature's healing herbs; and that it would be efficacious in the cure, mitigation, treatment, and prevention of constipation, sick stomach, nausea and vomiting, hiccups, piles, irritation and soreness of the stomach and bowels, griping and pain in cholera morbus, dysentery and diarrhea, vertigo, colds, flu, stomach, liver and bowel troubles, congestion of the spleen, pain in the side, swelling in the side, high blood pressure, frequent attacks of heart trouble, gastric indigestion, and weak, thin, and emaciated conditions. The article was not a healing medicine prepared from nature's healing herbs, and it would not be efficacious for the purposes represented. Further misbranding, Section 502(f)(2), the article was a laxative, and its labeling failed to bear a warning that it should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, and that frequent and continued use of the article might result in dependence upon laxatives to move the bowels.

Irontone, misbranding, Section 502 (a), certain statements on the label of the article and in the above-mentioned circulars accompanying the article were false and misleading since they represented and suggested that the article would be efficacious as a tonic; that it was a great strength and blood builder; that it would be efficacious in the cure, mitigation, treatment, and prevention of dropsy, tuberculosis, female weakness, suppressed and painful menstruation, and loss of appetite; that it would be efficacious for building pale, weak, puny people of any age; that it would overcome the cause of anemia; that it would be efficacious in the cure, mitigation, treatment, and prevention of anemia caused by malaria, flu, and other weakening diseases; that it would be efficacious in the cure, mitigation, treatment, and prevention of weakness and emaciation, female troubles, piles, including bleeding piles, badly swollen hands and feet, indigestion, and constipation; that it would be efficacious to restore red corpuscles; that it would enrich the blood, would make puny children grow, would strengthen the feeble and aged and would make weak, flabby muscles firm and strong, would color the cheeks with the pink glow of health, would enable women to enjoy better health, and would be efficacious to aid recovery from pneumonia. The article would not be efficacious for the purposes represented.

Further misbranding, Section 502 (b) (2), the labels of the articles bore no statement of the quantity of the contents; and, Section 502 (e) (2), the labels of the *Laxanodine* and *Irontone* failed to bear the common or usual name of each active ingredient.

DISPOSITION: June 4, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $300 and placed the defendant on probation for a period of 3 years.

1956. Misbranding of Interferin. U. S. v. William H. Kropp (Kropp's Prescription Pharmacy). Plea of guilty. Fine, $1,000. (F. D. C. No. 17865. Sample No. 17385–H.)

INFORMATION FILED: June 7, 1946, Eastern District of Wisconsin, against William H. Kropp, trading as Kropp's Prescription Pharmacy; charging that the defendant on or about April 19, 1945, received in interstate commerce from

Frank A. Nelson, Chicago, Ill., a number of tubes of *Interferin* which were misbranded, and that the defendant subsequently sold a number of the tubes in violation of Section 301 (c).

PRODUCT: Unlabeled collapsible tubes containing an amber-colored paste, known as *Interferin*, intended for introduction into the uterine cavity for the purpose of terminating pregnancy.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), it failed to bear adequate directions for use.

DISPOSITION: August 14, 1946. A plea of guilty having been entered, the court imposed a fine of $1,000.

1957. Misbranding of Chinaroid Rectal Balm. U. S. v. The Knox Co. Plea of nolo contendere. Fine, $500. (F. D. C. No. 16543. Sample No. 39536–F.)

INFORMATION FILED: Octiber 29, 1945, Western District of New York, against the Knox Co., a corporation, Buffalo, N. Y.

ALLEGED SHIPMENT: On or about October 9, 1943, from the State of New York into the State of California.

PRODUCT: This product was an ointment in a collapsible tube with a key attachment. The directions called for a "one-quarter turn" of the key. At the start, one-quarter turn would cause an application of ointment containing 0.444 gram of stramonium. As the tube rolled up, the amount would increase until, at the maximum, the one-quarter turn would cause an application of ointment containing 5.056 grams of stramonium.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the drug was misleading since it failed to reveal the material fact that the use of the article in accordance with the following directions on the label might have resulted in an overdosage of stramonium, and that an overdosage of stramonium may be dangerous: "Use Twice Daily Attach key to bottom of tube and turn slightly until salve reaches end of applicator and exudes. Insert applicator gently into rectum and turn key, attached to tube, one-quarter turn. This provides the proper dose of Chinaroid. If bleeding exists apply Chinaroid with finger instead of inserting applicator. Repeat morning and night as needed to relieve rectal discomfort. If satisfactory relief is not obtained after using for 2 weeks consult a physician."

Further misbranding, Section 502 (f) (1), the labeling failed to bear adequate directions for use since the directions would provide for the administration of an amount of ointment varying from 0.444 gram to 5.056 grams, which might have resulted in a dangerous overdosage of stramonium; and, Section 502 (f) (2), the label failed to bear adequate warnings against unsafe dosage, or methods or duration of administration or application, since it failed to warn that the dosage should be decreased if blurring of the vision or dryness of the throat should develop, and it failed to warn that if those conditions persisted after decreasing the dosage, use of the article should be discontinued. The labeling failed also to warn against use of the drug in those pathological conditions where its use might have been dangerous to health, since it failed to warn that the article should not be used in case of bleeding, which warning is necessary in the case of drugs intended for introduction into the rectum.

DISPOSITION: January 28, 1946. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $500 was imposed.

1958. Misbranding of Improved Special Tablets. U. S. v. 34 Bottles of Improved Special Tablets. Default decree of condemnation and destruction. (F. D. C. No. 20277. Sample No. 57040–H.)

LIBEL FILED: June 20, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 30, 1946, by M. A. Williams, Inc., from Woonsocket, R. I.

PRODUCT: 34 bottles, each containing 24 *Improved Special Tablets*, at Boston, Mass.

LABEL, IN PART: "Improved Special 24 Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to state why the article was to be used.

DISPOSITION: August 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1959. Misbranding of W-Whey. U. S. v. 23 Packages and 8 Packages of W-Whey. Default decree of condemnation and destruction. (F. D. C. No. 19688. Sample Nos. 50681–H, 50682–H, 50684–H.)

LIBEL FILED: April 26, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about February 5, 1946, by Schiff Bio-Food Products, from Detroit, Mich.

PRODUCT: 23 12-ounce packages and 8 30-ounce packages of *W-Whey* at Davenport, Iowa. Federal Health Foods, Davenport, Iowa, purchased from the publishers and distributed to its mailing list approximately 2,000 copies of a booklet entitled "Federal's Health News." On page 17 of this magazine was an advertisement sponsored by the packer of the product, for "Little Miss Muffet Brand W-Whey," in which the article is offered for bad breath, coated tongue, tired, haggard looks, excessive food decomposition, bowel gas, irritability, headaches, sallow skin, and poor appetite.

Examination showed that the product was dried whey containing, per ounce, compounds of calcium equivalent to not more than 171 milligrams of calcium, and compounds of phosphorus equivalent to not more than 187 milligrams of phosphorus.

LABEL, IN PART: "Little Miss Muffet Brand W-Whey Schiff's Whole Powdered Milk Whey."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use of the product in the treatment of bad breath, coated tongue, tired, haggard looks, excessive food decomposition, bowel gas, irritability, headaches, sallow skin, and poor appetite, which are the conditions for which the article was offered in its advertising sponsored by or on behalf of its manufacturer, packer, or distributor.

The article was alleged to be misbranded also under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1960. Misbranding of Trexcene Special Tablet Compound. U. S. v. 3,350 Boxes of Trexcene Special Tablet Compound. Default decree of condemnation and destruction. (F. D. C. No. 20230. Sample No. 63247–H.)

LIBEL FILED: June 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about April 22, 1946, by the Ivers Lee Co., Newark, N. J.

PRODUCT: 3,350 boxes, each containing 24 tablets, of *Trexcene Special Tablet Compound* at New York, N. Y. Examination showed that the product consisted essentially of a laxative plant drug such as aloes, iron sulfate, oil of pennyroyal, and extracts from plant materials, and that it was coated with calcium carbonate and sugar.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since it failed to state why the article was to be used; and, Section 502 (f) (2), it failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe duration of administration, since the article was essentially a laxative. In addition, the label statement "Not for use in pregnancy or appendicitis" would not inform users that the article should not be taken in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and it failed to warn that frequent or continued use of the article might result in dependence upon laxatives.

DISPOSITION: July 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1961. Misbranding of Glando-Plex Tablets. U. S. v. 60 Bottles of Glando-Plex. Default decree of condemnation and destruction. (F. D. C. No. 16685. Sample No. 23606–H.)

LIBEL FILED: July 5, 1946, Western District of Texas.

ALLEGED SHIPMENT: On or about March 20 and April 1, 1945, by the Veltex Co., from Birmingham, Ala.

PRODUCT: 60 100-tablet bottles of *Glando-Plex* at San Antonio, Tex. Examination indicated that this product had the composition declared on the label.

LABEL, IN PART: "Glando-Plex * * * Distributed By Vigo Vitamin Co. San Antonio, Texas. Each tablet contains: Vitamin B_1 666 U. S. P. Units Yohimbin Hydrochloride 0.0005 Gram Orchic Substance 0.05 Gram Calcium Glycerophosphate 0.15 Gram Sodium Glycerophosphate 0.15 Gram Extract Nux Vomica 0.03 Gram."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Glando-Plex * * * Take 2 to 3 Tablets Depending Upon Age and Severity of Case * * * When desired effect is reached discontinue use," were false and misleading since they represented and suggested that the product was effective as a sex restorer, whereas it would not be effective to produce such a result; and the statement, "Each Tablet Contains * * * Orchic Substance 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e) (2), the product was fabricated from two or more ingredients, and its label failed to bear a statement of the quantity or proportion of strychnine contained therein; Section 502 (f) (2), the label failed to bear adequate warnings against use in those pathological conditions where the use of the product might be dangerous to health, since the label failed to warn that in view of the yohimbine hydrochloride present, the article should not be taken by those suffering from heart disease, high blood pressure, or kidney disease. The label further failed to warn that an article containing nux vomica might be dangerous, especially when used by elderly persons.

Further misbranding, Section 502 (f) (2), the label failed to bear adequate warnings against unsafe duration of administration of the article since its label did not warn that the use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: January 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1962. Misbranding of dental cartridges. U. S. v. 232 Cartons of Dental Cartridges. Default decree of condemnation and destruction. (F. D. C. No. 19991. Sample No. 29998–H.)

LIBEL FILED: June 7, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about April 9, 1945, from Louisville, Ky.

PRODUCT: 232 cartons of dental cartridges at San Francisco, Calif., in the possession of the unclaimed warehouse of the Southern Pacific Co. The dental cartridges had become water-soaked, and the labels of many of the cartons had become illegible or detached.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), some of the labels failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the articles were fabricated from two or more ingredients, and some of the labels failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), some of the labels failed to bear adequate directions for use.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1963. Adulteration and misbranding of veterinary drug preparations. U. S. v. 41 Packages of Martin's Sulfa-Rea Powder, 20 Bottles of Martin's Phenika Wormer, and 38 Packages of Martin's Phenothiazine Powder. Default decrees of condemnation and destruction. (F. D. C. No. 19460. Sample Nos. 24895–H to 24897–H, incl.)

LIBELS FILED: March 27, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 28, August 16, and October 4, 1945, by C. J. Martin & Sons, from Austin, Tex.

PRODUCT: The above-listed drug preparations were located at De Quincy, La. The *Sulfa-Rea Powder* had solidified, apparently the result of absorption of moisture; and it contained essentially 15 percent of sulfonamides, as declared on the label. The *Phenika Wormer* contained approximately 12.5 grams of phenothiazine and 0.5 gram of 40 percent nicotine sulfate per ounce. The *Phenothiazine Powder* consisted essentially of 100 percent of phenothiazine, as

declared on the label. The declaration of ingredients on the label of the *Phenika Wormer* was in small, inconspicuous type.

NATURE OF CHARGE: *Sulfa-Rea Powder*, adulteration, Section 501 (c), the quality of the article fell below that which it was represented to possess since it was no longer a dry, dusting powder. Misbranding, Section 502(a), the label statement, "producing Maximum Sterilization in Minimum Time," was false and misleading since the article was not capable of producing such an action; and the label statement, "The Urea in the mixture * * * prevent caking of the Sulfonamides," and the name of the product, "Sulfa-Rea Powder," were false and misleading since the article had fused into a solid cake.

Phenika Wormer, misbranding, Section 502 (a), the label statements, "Swine * * * The nicotine and kamala in Phenika Wormer are effective in expelling tapeworms and roundworms. Chickens And Turkeys * * * The Nicotine and Kamala in Phenika Wormer are effective in expelling tapeworms and roundworms. * * * Tape Worms * * * Round Worms," were false and misleading since the article would not be effective in expelling tapeworms and roundworms in swine and other animals and in chickens and turkeys. The word "Wormer" in the designation of the article was misleading since it suggested that the product would be effective to expel all species of worm parasites that infest the animals and fowls mentioned in its labeling, whereas the article would not be effective for such purposes; and, Section 502 (c), the common or usual name of each active ingredient of the article was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

Phenothiazine Powder, misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; Section 502 (f) (2), it failed to bear adequate warnings against use in those pathological conditions where the use of the product might be dangerous to health; and, Section 502 (a), the label statement, "Complete Directions Inside This Container," was false and misleading since no circular or direction leaflet was found in the package.

DISPOSITION: July 15, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

DRUG ACTIONABLE BECAUSE OF THE PRESENCE OF A HABIT-FORMING NARCOTIC WITHOUT WARNING STATEMENT

1964. Misbranding of Special Compressed Tablets. U. S. v. 100,000 Special Compressed Tablets. Default decree of destruction. (F. D. C. No. 15622. Sample No. 18525–H.)

LIBEL FILED: March 15, 1945, District of Minnesota; amended libel filed August 14, 1945.

ALLEGED SHIPMENT: On or about December 22, 1944, by Charles H. Dietz, Inc., from St. Louis, Mo.

PRODUCT: 100,000 *Special Compressed Tablets* at Minneapolis, Minn.

LABEL, IN PART: "Special Compressed Tablets * * * Each C. T. Contains: Diallyl Barbituric Acid ¾ Gr."

NATURE OF CHARGE: Misbranding, Section 502 (d), the article was for use by man, and it contained 5, 5-Diallyl-Barbituric Acid, a chemical derivative of barbituric acid, which has been designated by regulations as habit forming; and its label failed to bear the quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming."

DISPOSITION: September 24, 1946. No claimant having appeared, judgment was entered ordering that the product be destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

1965. Adulteration of belladonna and stramonium. U. S. v. 1,600 Pounds of Belladonna and 22 Bales of Stramonium. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 19058, 19114. Sample Nos. 35615–H, 35618–H.)

LIBELS FILED: January 31 and February 8, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 27 and March 3, 1945, by the United Drug Co., from Roxbury, Mass.

PRODUCT: 1,600 pounds of *belladonna* and 22 750-pound bales of *stramonium* at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the products consisted in whole or in part of filthy substances by reason of the presence, in the belladonna, of insect fragments and, in the stramonium, of insect fragments and larvae.

DISPOSITION: March 27 and April 10, 1946. The United Rexall Drug Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

DRUG ACTIONABLE BECAUSE OF THE PRESENCE OF A NON-CERTIFIED COAL-TAR COLOR

1966. Adulteration and misbranding of Clover Dairy Ointment. U. S. v. 33 Cans of Clover Dairy Ointment. Default decree of condemnation and destruction. (F. D. C. No. 19932. Sample No. 50977–H.)

LIBEL FILED: May 20, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: Between the approximate dates of January 14 and March 7, 1946, by the Perfection Manufacturing Corporation, from Minneapolis, Minn.

PRODUCT: 33 cans of *Clover Dairy Ointment* at Catawba, Wis. Analysis showed that the product consisted essentially of petroleum oil, zinc oxide, methyl salicylate, oil of sassafras, lanolin, and a red dye.

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the article contained, for purposes of coloring only, a coal-tar color other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 502 (a), the following statements on the label of the product were false and misleading: "For the treatment of swollen, caked udders and an aid in healing sore, * * * teats and sores and bruises. * * * In cases of swollen or caked udders use generously * * * Helps keep teats and udders in a soft, healthy, producing condition." These statements represented and suggested that the article possessed healing properties; that it would be effective in the treatment of swollen and caked udders and all causes of sore teats and sores; that it would be effective in the treatment of bruises; and that it would keep the teats and udders in a soft, healthy producing condition. The article did not possess healing properties, and it would not be effective for the purposes claimed.

Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient of the product.

DISPOSITION: August 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1967. Adulteration of triple distilled water. U. S. v. The Adson-Intrasol Laboratories, Inc., and David Ashkin. Pleas of guilty. Corporation fined $600; individual defendant sentenced to 3 months' imprisonment. (F. D. C. No. 14253. Sample Nos. 66234–F, 76268–F, 77621–F.)

INFORMATION FILED: October 1, 1945, Eastern District of New York, against the Adson-Intrasol Laboratories, Inc., a corporation, Brooklyn, N. Y., and David Ashkin, in charge of the business of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of December 2, 1943, and February 23, 1944, from the State of New York into the States of New Jersey and Pennsylvania.

LABEL, IN PART: "Triple Distilled Water."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be water for injection, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it contained pyrogens and undissolved material. The Pharmacopoeia provides that water for injection shall be free and shall

*See also Nos. 1951, 1963, 1996.

remain free from pyrogens and that it must be a clear liquid, but the difference in quality and purity of the drug from the official standard was not stated on the label.

DISPOSITION: October 17, 1945. Pleas of guilty having been entered, the corporation was fined $600, and the individual defendant sentenced to 3 months' imprisonment. The sentences were to run concurrently with similar sentences against the same defendants, as reported in notices of judgment on drugs and devices, No. 1968.

1968. Adulteration and misbranding of Estrovin. U. S. v. Adson-Intrasol Laboratories, Inc., and David Ashkin. Pleas of guilty. Corporation fined $400; individual defendant sentenced to 3 months' imprisonment. (F. D. C. No. 16555. Sample No. 6202-H.)

INFORMATION FILED: October 1, 1945, Eastern District of New York, against Adson-Intrasol Laboratories, Inc., a corporation, Brooklyn, N. Y., and David Ashkin, secretary-treasurer.

ALLEGED SHIPMENT: On or about December 7, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Estrovin (Estrogenic Hormones Substance) * * * 1 cc. contains 10,000 I.U. of Estrogenic Hormones Substance, obtained from Equine Urine."

NATURE OF CHARGE: Adulteration, Section 501 (d), an oil solution consisting of estrogenic hormone substance other than as it occurs in and as it is extracted from equine urine, had been substituted in whole or in part for an oil solution of estrogenic hormones substance obtained from equine urine, which the article purported and was represented to be.

Misbranding, Section 502 (a), the label statement, "Contains * * * Estrogenic Hormones Substance, obtained from Equine Urine," was false and misleading.

DISPOSITION: October 25, 1945. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined $400, and the individual defendant was sentenced to 3 months' imprisonment. The sentences were to run concurrently with similar sentences against the same defendants, as reported in notices of judgment on drugs and devices, No. 1967.

1969. Adulteration and misbranding of Estrovin in Oil and Testocrin in Oil. U. S. v. Melville J. Eschwege, alias M. J. Ash and M. Jerome. Plea of guilty. Defendant sentenced to pay a fine of $100 and to serve 1 year in jail. Jail sentence suspended, and defendant placed on probation. (F. D. C. No. 15584. Sample Nos. 79835-F, 79836-F.)

INDICTMENT RETURNED: November 5, 1945, District of Columbia, against Melville J. Eschwege, alias M. J. Ash and M. Jerome, Washington, D. C.; charging that on or about May 10, 1943, and June 12, 1944, the defendant with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce in the District of Columbia quantities of *Estrovin in Oil* and *Testocrin in Oil* which were adulterated and misbranded.

PRODUCT: Both of the samples involved in this action were found to consist of diethylstilbestrol, from which the original labels had been removed and other labels attached.

LABEL, IN PART: "Estrovin In Oil * * * [or "Testocrin in Oil"] Adson-Intrasol Lab's. Brooklyn, N. Y."

NATURE OF CHARGE: *Estrovin in Oil*, adulteration, Section 501 (d) (2), diethylstilbestrol had been substituted in whole for natural estrogenic hormone substance, which the article purported to be.

Testocrin in Oil, adulteration, Section 501 (d) (2), diethylstilbestrol had been substituted in whole for *Testocrin in Oil* containing in each 1 cc. ampul 25 capon units of testosterone propionates, which the article was represented to be.

Misbranding, Section 502 (a), the statement "Adson-Intrasol Lab's Brooklyn, N. Y." appearing on the labels of the articles was false and misleading since that firm was not the manufacturer, packer, or distributor of the articles; and, Section 502 (e) (2), the labels of the articles failed to bear the common or usual name of each active ingredient.

DISPOSITION: December 5, 1945. A plea of guilty having been entered, the court imposed a fine of $100 and sentenced the defendant to 1 year in jail. The jail sentence was suspended and the defendant was placed on probation, conditioned that he discontinue the sale of all drugs.

1970. Adulteration and misbranding of estrogenic hormone. U. S. v. W. F. Straub and Co. Plea of guilty. Fine, $250 and costs. (F. D. C. No. 16566. Sample No. 78195–F.)

LIBEL FILED: January 18, 1946, Northern District of Illinois, against W. F. Straub and Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about October 16, 1944, from the State of Illinois into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement, "Whole Natural Estrogenic Hormones From Pregnant Mare's Urine Consisting Mainly of Estrone and Estradiol in Sesame Oil 20,000 IU/CC," was false and misleading since the statement represented and suggested that the article possessed a physiological activity equivalent to 20,000 International Units of estrone per cc., whereas it possessed a physiological activity of not more than 12,000 International Units of estrone per cc.

DISPOSITION: March 3, 1946. A plea of guilty having been entered, the court imposed a fine of $250, plus costs.

1971. Adulteration of solution of magnesium citrate. U. S. v. 12 Cases of Solution of Magnesium Citrate. Default decree of condemnation and destruction. (F. D. C. No. 19490. Sample No. 56691–H.)

LIBEL FILED: April 1, 1946, District of Maine.

ALLEGED SHIPMENT: On or about February 14, 1946, by the Crystal Drug and Magnesia Co., from Jamaica Plain, Mass.

PRODUCT: 12 cases, each containing 24 12-ounce bottles, of *solution of magnesium citrate* at Portland, Maine. Analysis showed that the product contained in each 100 cc. an amount of magnesium citrate corresponding to not more than 1.47 grams of magnesium oxide per 100 cc., which was less than the minimum of 1.6 grams of magnesium oxide per 100 cc. as provided in the United States Pharmacopoeia.

LABEL, IN PART: "Pasteurized Solution Genuine Crystal Citrate, Citrate of Magnesia U. S. P."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as a drug, the name of which is recognized in the U. S. Pharmacopoeia, an official compendium, but its strength differed from the official standard.

DISPOSITION: August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

1972. Adulteration of redistilled water. U. S. v. 376 Vials of Redistilled Water. Default decree of condemnation and destruction. (F. D. C. No. 20413. Sample No. 15116–H.)

LIBEL FILED: July 23, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 23, 1946, by the U. S. Standard Products Co., from Woodworth, Wis.

PRODUCT: 376 50-cc. vials of *redistilled water* at Chicago, Ill.

LABEL, IN PART: "Triple Distilled Water N. F."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Ampuls of Redistilled Water," a drug the name of which is recognized in the National Formulary, an official compendium, but its quality and purity fell below the standard set forth therein since it was contaminated with undissolved material.

DISPOSITION: September 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1973. Adulteration of isotonic solution of sodium chloride. U. S. v. 37 Cases of Isotonic Solution of Sodium Chloride. Default decree of condemnation and destruction. (F. D. C. No. 19802. Sample No. 37441–H.)

LIBEL FILED: April 30, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about September 25, 1945, by Cutter Laboratories, from Berkeley, Calif.

PRODUCT: 37 cases, each containing 6 bottles, of *isotonic solution of sodium chloride* at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Sterile Isotonic Solution of Sodium Chloride for Parenteral Use," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1974. Adulteration of redistilled water. U. S. v. 10,000 Ampuls of Redistilled Water. Consent decree of condemnation and destruction. Product ordered released under bond for salvage of the containers. (F. D. C. No. 19259. Sample No. 3268–H.)

LIBEL FILED: March 1, 1946, District of Maryland.

ALLEGED SHIPMENT: On or about December 29, 1945, by Torigian Laboratories, Inc., from New York, N. Y.

PRODUCT: 10,000 ampuls of *redistilled water* at Perry Point, Md.

LABEL, IN PART: "Water Redistilled N. F. Sterile."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Ampuls of Redistilled Water," a drug the name of which is recognized in the National Formulary, an official compendium, but its quality and purity fell below the standard set forth therein since it was contaminated with undissolved material.

DISPOSITION: September 13, 1946. Torigian Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the salvage of the containers, after the destruction of the contents under the supervision of the Food and Drug Administration.

1975. Adulteration of B-Parplex. U. S. v. 57 Vials, 9 Vials, and 8 Vials of B-Parplex. Default decree of condemnation and destruction. (F. D. C. No. 20060. Sample Nos. 45742–H, 45780–H, 45781–H.)

LIBEL FILED: June 7, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about January 18 and April 12 and 16, 1946, by the Intra Products Co., from Denver, Colo.

PRODUCT: 66 30-cc. vials and 8 15-cc. vials of *B-Parplex* at San Francisco, Calif.

LABEL, IN PART: "Sterile Solution B-Parplex No. 5 [or "No. 7"]."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported to possess since it purported to be for intravenous use and contained undissolved material. Substances purporting to be appropriate for intravenous use should be free from undissolved material.

DISPOSITION: July 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1976. Adulteration of Theobromine—Ioform with Phenobarbital. U. S. v. 45,000 Tablets of Theobromine—Ioform with Phenobarbital. Default decree of forfeiture and destruction. (F. D. C. No. 18272. Sample No. 23782–H.)

LIBEL FILED: November 1, 1945, Western District of Texas.

ALLEGED SHIPMENT: On or about June 27, 1945, by the Drug Products Co., from Long Island City, N. Y.

PRODUCT: 45,000 tablets of *Theobromine—Ioform with Phenobarbital* at San Antonio, Texas. Samples of this product were found to contain not more than 0.35 grain of phenobarbital per tablet.

LABEL, IN PART: "Theobromine—Ioform with Phenobarbital ½ Grain."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess.

DISPOSITION: January 25, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

1977. Adulteration and misbranding of Pyo-Gon Iodophenols. U. S. v. 57 Bottles of Pyo-Gon Iodophenols. Default decree of destruction. (F. D. C. No. 20396. Sample No. 47453–H.)

LIBEL FILED: July 15, 1946, District of Utah.

ALLEGED SHIPMENT: On or about April 28 and May 3 and 8, 1946, by Fred M. Potts and Co., from Los Angeles, Calif. A booklet entitled "Pyo-Gon" was received from the shipper during February 1946.

PRODUCT: 57 pint bottles of *Pyo-Gon Iodophenols* at Salt Lake City, Utah.

LABEL, IN PART: (Bottle) "Pyo-Gon Iodophenols No Free Phenol or Iodine, Analgesic Antiseptic Non-Irritating, Non-Toxic"; (Booklet) "Germicide, Antiseptic Phenol Coefficient—110."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was not an antiseptic or a germicide and did not possess a phenol coefficient of 110.

Misbranding, Section 502 (a), the designation "Pyo-Gon" was false and misleading since it represented and suggested and created in the mind of the reader the impression that the article would be effective for the treatment of pus conditions, whereas it would not be effective for such purposes; and the label statement "Iodophenols No Free Phenol" was false and misleading since the article contained no iodophenol, but did contain free phenol.

DISPOSITION: August 30, 1946. No claimant having appeared, judgment was entered and the product was ordered destroyed.

1978. Adulteration and misbranding of tooth powder. U. S. v. 34 Cans of Tooth Powder. Default decree of condemnation and destruction. (F. D. C. No. 20290. Sample No. 38660–H.)

LIBEL FILED: June 21, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 11, 1945, by the International Pyorrhea Corporation of Illinois, from Chicago, Ill.

PRODUCT: 34 cans of *tooth powder* at Milwaukee, Wis. Examination showed that the product consisted essentially of salt, sodium bicarbonate, borax, bismuth trioxide, starch, methyl salicylate, and oil of cloves. Examination showed also that the article was not germicidal and antiseptic.

LABEL, IN PART: "Zipco, Prevents Pyorrhea * * * Germicidal and Antiseptic."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess.

Misbranding, Section 502 (a), the label statements, "Prevent Pyorrhea * * * Heals Abrasions of the Gums * * * Hardens Soft Gums and Stops Bleeding * * * Germicidal and Antiseptic * * * If the powder causes pain or discomfort, it proves that infection is present," were false and misleading. The product would not be effective to accomplish the results stated and implied. Further misbranding, Section 502 (b) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1979. Adulteration and misbranding of prophylactics. U. S. v. 151 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 17889. Sample No. 23294–H.)

LIBEL FILED: October 12, 1945, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about June 6, 1945, by the William Nesbit Co., from Pittsburgh, Pa.

PRODUCT: 151 gross of rubber *prophylactics* at Little Rock, Ark. Examination of 108 samples showed that 5.6 percent were defective in that they contained holes.

LABEL, IN PART: "Silverlatex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: November 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1980. Action to restrain interstate shipment of Dr. Paddock's Medicines. U. S. v. Edward E. Paddock. Permanent injunction granted. (Inj. No. 131.)

COMPLAINT FILED: On or about May 29, 1946, Western District of Missouri, against Edward E. Paddock, a physician, Kansas City, Mo. It was alleged in the complaint that the defendant had been engaged since 1932 in the business of distributing through the mails in interstate commerce various drugs known as *Dr. Paddock's Medicines*, consisting of yellow-coated tablets containing as active ingredients 3½ grains of extract of oxgall and 5 grains of sodium salicylate, blue-coated tablets containing as an active ingredient 5 grains of sodium succinate, and brown-coated laxative tablets containing 5 grains of cascara sagrada. It was also alleged that in order to inform purchasers of the uses of the drugs and to facilitate their sale, the defendant caused to be printed a booklet entitled "The Gall Bladder and Liver"; leaflets entitled "Appreciation" and "Heartfelt Gratitude"; a pamphlet entitled "Special Diet Directions"; form letters designated "Dear Friend," "Dear Reader," and "Dear Sufferer"; and combination order and report blanks requesting information as to age, weight, history, and physical condition of a person ordering the drugs, and bearing on the reverse side "Some Anatomical Explanations." It was further alleged that the literature and the drugs were distributed by the defendant by means of advertisements in newspapers; that in response to inquiries from the readers of the advertisements, the defendant would mail the literature and solicit orders for his drugs; and that by reason of these facts the literature constituted labeling accompanying the drugs.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the drugs were false and misleading in that they represented and suggested that the drugs, when used singly or in combination, together with the diets outlined in the pamphlet entitled "Special Diet Directions" would be a competent and palliative and symptomatic treatment for all gall bladder conditions; that the drugs would be efficacious in the cure, mitigation, treatment, and prevention of gallstones and an irritable and over-excited nervous system due to gall bladder trouble; that the drugs would insure that the user would obtain the greatest measure of relief possible; that the drugs would treat successfully partial obstruction of the bile flow; and that the drugs constituted a palliative and symptomatic treatment which would aid nature. The drugs, when used singly or in combination, with or without the diets outlined in the above pamphlet would not be a competent and palliative and symptomatic treatment for all gall bladder conditions; and the drugs would not be efficacious for the purposes represented.

Further misbranding, Section 502 (a), certain additional statements in the labeling were misleading since they created the impression that the drugs would cause no harm and could be used with safety to all; that the user could compare his symptoms before and after treatment to tell whether or not he was improving; that the user might safely temporize with gall bladder disorders and gallstones; that partial obstruction of the bile flow may be treated by the drugs; and that the drugs might be used safely and effectively without an accurate diagnosis. The drugs could cause harm and could not be used with safety by all, in that they contained a laxative and should not be used in the presence of symptoms of appendicitis; that the use of the drugs might cause dependence upon laxatives; that the drugs contained oxgall, and in cases of partial obstruction of the bile flow the drugs might increase the bile flow to such an extent that obstruction might become complete, causing pain, possible destruction of the liver, and even death; that the user could not compare symptoms before and after treatment and tell whether or not he was improving, for gallstones may be present and dangerous without causing painful symptoms; that the user might not safely temporize with gall bladder disorders or gallstones, for an emergency operation may be necessary in such conditions; and that the drugs could not safely and effectively be used without an accurate diagnosis, for such use might result in delaying proper treatment and might lead to unnecessary suffering and possible death.

PRAYER OF COMPLAINT: That a temporary restraining order issue followed by a temporary injunction, and that, after due proceedings, a permanent injunction

*See also Nos. 1953, 1955, 1957, 1961, 1968–1970, 1977–1979.

issue enjoining the defendant from distributing in interstate commerce the drugs he had on hand or would subsequently acquire.

DISPOSITION: The defendant having filed a motion to dismiss or, in the alternative, to strike certain averments of the complaint, the court, on June 21, 1946, handed down the following opinion overruling the motion:

REEVES, *District Judge:* "Pursuant to our arrangement, I have examined the authorities on the motion to dismiss, or in the alternative, to strike certain averments of the complaint, and have reached the following conclusion:

"The Food & Drug Act, designed to protect the health of the public, should be liberally construed to effectuate the purposes of the Congress. The literature and advertising matter covered by the motion was obviously designed by the defendant to serve as a labeling of his product. It had that unquestioned purpose. Under the decisions, such advertising matter may serve the two-fold purpose of advertising, and, at the same time, labeling. The provisions of the law could not be evaded by first placing the advertising and labeling matter in the hands of a prospective purchaser in advance of the purchase. It was the Congressional purpose to prevent fraud on the public. The usual and practical method of the producer was to send the labeling and advertising matter along with the product so that both would reach the purchaser at the same time. The identical result could be reached by sending the labeling matter in advance, or even subsequently. When both of them finally reached the consumer, there was the deception that the law seeks to prevent.

"If the law is as contended by the defendant, then the whole purpose of the law could be defeated by placing in the hands of the consumer, through separate channels, the labeling matter and the product. Such evasions could not be permitted.

"There is no conflict of jurisdiction between the Federal Trade Commission and the Court, as indicated in United States v. Research Laboratories, 126 F. 2d, 42, l. c. 45. Advertising and labeling circulars may be the same and yet perform the two offices of advertising and labeling. The courts have jurisdiction over the labeling function, whereas the Federal Trade Commission would have jurisdiction at the same time over the same circular because of its advertising function.

"The motion to dismiss, or, in the alternative, to strike, should be and will be overruled."

The case came on for trial before the court on June 26, 1946, and at its conclusion on June 27, the matter was taken under advisement by the court. After consideration of the briefs of the parties, the court, on September 28, 1946, handed down the following opinion, findings of fact, and conclusions of law:

OPINION

REEVES, *District Judge:* "This is an action under Section 332 (a) Title 21 U. S. C. A. to restrain the defendant from violations of Section 331 of said Title 21 U. S. C. A., in the following particular: The introduction of certain alleged misbranded drugs into interstate commerce. The issues were made up by an answer of the defendant which denied 'that he is transporting misbranded drugs in interstate commerce * * *.'

"The evidence on the part of the plaintiff tended to show that the defendant has been continuously from 1932 until the present time engaged in the business of distributing through the mails in interstate commerce drugs to be used in the treatment of gallstones, gall bladder diseases and diseased liver conditions, and that said drugs consisted of yellow coated tablets, blue coated tablets and brown coated tablets, and that such drugs were within the meaning of Section 321 (g) (2), Title 21 U. S. C. A. The evidence supported the averments of the complaint that certain exhibits proffered in the complaint and in evidence were regularly sent through the mails either with the drug thus distributed or prior or subsequent to its distribution and that the drugs and the literature came into the hands of patrons or purchasers of the drug and that such literature was intended by the defendant to be used in connection with the treatment advised by the defendant. As an illustration of the literature thus distributed through the mails to be associated with the drug when used, was one as follows:

[Exhibit H] HEARTFELT GRATITUDE from NORTH . . . SOUTH . . . EAST and WEST [Printed in large type]

and this was followed by a statement, blocked off in the advertisement, (also in large type) as follows:

Does Gall Bladder Irritation, Gall Distress and Sluggish Bile Threaten You[Then read MY 30 YEARS OF TREATING Earlier Symptoms to Avoid Development of GALLSTONE TROUBLES.

The two words GALLSTONE TROUBLES were printed in very large type.

"Four physicians who were specialists in the administration of internal medicines, and particularly familiar with gall bladder and liver complaints, testified that the drugs distributed by the defendant were ineffective for the purposes advertised and asserted by the defendant in his literature. And, moreover, that said drugs would be inefficacious in the prevention or the avoidance of the development of gallstone trouble. In fact, the testimony of these experienced physicians indicated that the drugs administered or delivered for administration by the defendant would act in a degree as an irritant and would be harmful in their use. Moreover, said witnesses further testified that diagnosis of gallbladder and liver trouble could not be satisfactorily made without a preliminary objective and subjective examination of the patient.

"On the part of the defendant two physicians were called who were not presently engaged in the practice of medicine and who had had little experience in the treatment of gall bladder and liver complaints. The witnesses for the defendant tended to support the contention of the defendant that his drugs were not misbranded and that they were useful and efficient as stated by him in his literature. The further contention is made by counsel for the defendant that the literature transmitted through the mails in interstate commerce was in no sense a labeling of the drugs but was purely advertising matter.

"1. The word 'labeling' has been defined in the Federal Food, Drug and Cosmetic Act, (New) Section 321, paragraph (m), Title 21 U. S. C. A. as follows:

(m) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

As said by the Court of Appeals, 7th Circuit, in United States v. Lee, 131 F. 2d, 464, l. c. 466:

The word "accompany" is not defined in the Act, but we observe that among the meanings attributed to the word are "to go along with," "to go with or attend as a companion or associate," and "to occur in association with," * * * There can be no question that among the usual characteristics of labeling is that of informing a purchaser of the uses of an article to which the labeling relates, and that the basic character of the Federal Food, Drug, and Cosmetic Act is not directly concerned with the sale of the products therein described, or whether the literature is carried away by the purchaser. *It was enacted to protect the public health and to prevent fraud, and it ought to be given a liberal construction. Consequently, we are impelled to the conclusion that misbranding is cognizable under the Act if it occurs while the articles are being held for sale.*

Other discussions of the subject would indicate that it was the purpose of Congress to treat advertising matter as labeling, if used by the patron or purchaser, precisely in the same way as if the matter were accompanying the drug in the first instance.

"2. There is the further contention by the defendant that the testimony on behalf of the government did not point out that the particular formulas of the defendant were harmful. In the first place, in the trial of the case, it was assumed by all of the witnesses, both for the plaintiff and the defendant, on direct examinations and cross-examinations, that the precise formulas were in controversy and were under discussion by the expert witnesses, and, in the second place, the testimony on behalf of the government was that, without regard to precise formulas, the particular constituents of the formula or formulas were harmful and dangerous unless prescribed after a careful diagnosis of the patient's troubles.

"3. The defendant testified over the objection of counsel for the government that the years of his treatment by mail had not been attended by complaints from patients or patrons. Objection was properly made to such testimony and same should have been excluded. Moreover, certain medical books or texts were offered in evidence by the defendant over the objections of the plaintiff. It is the rule in this circuit, as in practically all of the states, that medical books are not competent as evidence.

"The overwhelming preponderance of the testimony was that the labeling and the literature treated as labels on the drugs introduced by the defendant into interstate commerce constituted a misbranding of drugs and that the government was entitled to have the defendant restrained from the further introduction of said drugs in interstate commerce.

"The attention of the court has been called to the fact that since the case was tried and submitted the defendant has deceased. The government, there-

fore, could proceed no further in the case. Since the government was entitled, at the time the case was tried, to a judgment or decree as prayed, and, in view of the death of the defendant, a decree will be entered nunc pro tunc as of the date the case was submitted.

FINDINGS OF FACT

"1. All of the literature used by the defendant and offered in evidence, whether used over the container of the drug or in the packages, actually physically accompanying the drug, or whether sent before, or subsequently, served the function of labeling and should be treated as such.

"2. Such literature and drugs were introduced and were being introduced by the defendant in interstate commerce through the mails as alleged in the complaint.

"3. Said literature was intended by the defendant as a labeling of his drug and actually served that purpose as well as for advertising matter.

"4. Said literature as labeling matter misrepresented the efficaciousness of said drug or drugs and operated as a fraud upon the public.

CONCLUSIONS OF LAW

"1. The defendant having misbranded his drugs by labels attached thereto or accompanying same, and such misbranding having been done in interstate commerce, the defendant should be enjoined from further violations of Section 331, Title 21 U. S. C. A."

On or about October 14, 1946, a decree was entered permanently enjoining the defendant, his agents, and all persons at that time or thereafter, acting by, through, or under the defendant, from distributing in interstate commerce or exporting in foreign commerce a large supply of the tablets which he had on hand at his place of business in Kansas City, Mo., or at any other point, or any other quantity of drugs subsequently acquired, which were misbranded; and it was further ordered that the decree take effect as of September 27, 1946.

1981. Action to enjoin and restrain the interstate shipment of Mag-Net-O-Balm. U. S. v. Samuel Cohen (S. C. Sales Co.). Injunction granted. (Inj. No. 136.)

COMPLAINT FILED: On March 15, 1946, District of Maryland, against Samuel Cohen, an individual, and Samuel Cohen, trading as S. C. Sales Co. The complaint charged that prior to and since July 1, 1945, the defendant had been shipping in interstate commerce consignments of *Mag-Net-O-Balm*, a drug, which was misbranded in various respects.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the tubes and cartons and in a circular accompanying a shipment made on or about July 11, 1945, were false and misleading since the statements in the labeling represented that the article would be efficacious in the treatment of reducible rupture, rheumatic pains, chest colds, head colds, symptomatic rheumatic pains, muscular lumbago, stiff neck, sprains, and sciatica. Other shipments of the product made prior to that time were misbranded because of similar false and misleading curative and therapeutic claims.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined, during the pendency of the action and permanently, from shipping in interstate commerce misbranded drugs.

DISPOSITION: May 29, 1946. The defendant having failed to file an answer or any other pleading, a permanent injunction was granted against the defendant individually, and trading as the S. C. Sales Co., from shipping in interstate commerce the drug, *Mag-Net-O-Balm*.

1982. Misbranding of Allen's Nijara Capsules. U. S. v. Allen Products Co., Inc., and Marion Allen. Pleas of guilty. Fine, $75. (F. D. C. No. 10539. Sample Nos. 37131–F, 37143–F, 37149–F.)

INFORMATION FILED: March 24, 1945, District of Columbia, against the Allen Products Co., Inc., Washington, D. C., and Marion Allen, president of the corporation.

ALLEGED SHIPMENT: On or about February 24 and March 23, 1943, within the District of Columbia.

PRODUCT: Microscopic examination showed that the product consisted essentially of green stem and leaf material, including parsley and water cress. Vitamin assays showed that the product contained per capsule less than 5 U. S. P. Units of vitamin A, 4.4 micrograms (0.0044 milligram) of thiamine hydrochloride (vitamin B_1), 0.5 milligram of vitamin C, less than 4 U. S. P. Units of vitamin D, 9 micrograms (0.009 milligram) of riboflavin, and 86 micrograms (0.086 milligram) of nicotinic acid. Chemical analysis showed that each capsule contained approximately 4.3 milligrams of calcium, 3.2 milligrams of phosphorus, and 0.4 milligram of iron.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars enclosed in the boxes containing the article were false and misleading in that they represented and suggested that the article would be efficacious as a soothing pain relief from rheumatism, arthritis, neuritis, sciatica, gout, lumbago, and sinusitis; that the article would relieve pain from rheumatic disorders; and that the article would be efficacious in the treatment of mild cases and long standing cases of rheumatism, arthritis, neuritis, sciatica, gout, lumbago, and sinusitis. The article would not be efficacious for those purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 22, 1945. Pleas of guilty having been entered on behalf of the defendants, the court imposed a total fine of $75.

1983. Misbranding of Sano. U. S. v. William J. Nassano (Sano Medicine Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 17838. Sample No. 4534–H.)

INFORMATION FILED: March 8, 1946, Northern District of Ohio, against William J. Nassano, trading as the Sano Medicine Co., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about May 15, 1945, from the State of Ohio into the State of Pennsylvania.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article was a tonic; that it would aid in the relief of rheumatism; that it would be efficacious in the cure, treatment, and prevention of constipation; that it would be efficacious to eliminate uric acids and toxins from the system; and that it would assist in removing the cause of uric acids and toxins from the system. The article was not a tonic, and it would not be efficacious for the purposes represented.

DISPOSITION: May 29, 1946. A plea of guilty having been entered, the court suspended the imposition of sentence and placed the defendant on probation for a period of 1 year.

1984. Misbranding of cotton-tipped applicators. U. S. v. 16 Gross Vials of Cotton-Tipped Applicators. Default decree of condemnation and destruction. (F. D. C. No. 20026. Sample No. 43786–H.)

LIBEL FILED: May 22, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about November 21 and December 24, 1945, by the Glasco Products Co., from Chicago, Ill.

PRODUCT: 16 gross vials of *cotton-tipped applicators* at Los Angeles, Calif. Examination showed that the article was not sterile but was contaminated with living micro-organisms.

LABEL, IN PART: "Cotton-Tipped Applicators 20 in Each Vial * * * Stero Swabs for Baby's Eyes, Ears and Nose."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Stero Swabs for Baby's Eyes, Ears and Nose" was false and misleading since it implied that the article was sterile.

DISPOSITION: July 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1985. Misbranding of Ademo Tablets. U. S. v. 36 Bottles of Ademo Tablets, and a number of circulars. Default decree of condemnation and destruction. (F. D. C. No. 19734. Sample Nos. 19552–H, 19553–H.)

LIBEL FILED: May 1, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about April 30 and August 20, 1945, and February 6, 1946, by H. W. Walker and Co., from Chicago, Ill.

PRODUCT: 10 300-tablet bottles, 14 150-tablet bottles, and 12 42-tablet bottles of *Ademo Tablets* at Cedar Rapids, Iowa, together with 51 circulars entitled "Powerful Rugged Red Blood."

LABEL, IN PART: "Ademo 3 Purpose Dietary Food Supplement Formulated from the Active Principle of Violet Ray Treated (Red Blood Cell Building) fraction of Desiccated, Raw Liver Extractive, Iron, Special Type Yeast, Concentrated Hemoglobin (Blood Powder), Milk Whey, Chlorophyll, Plus the following for each 6 tablets * * * Iron 20.24 Milligrams * * * [or "Formulated from the essential B Complex Factors, namely: Thiamine, (B-1), Riboflavin (G or B-2) and Niacin; Desiccated Raw Liver (Violet ray treated), Hemoglobin, Dried Brewer's Yeast (Type 50-B), Kelp, Whey, Chlorophyll * * * Six Tablets Provide * * * Iron 20 mg."]."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article, when used as directed, would be effective to provide powerful, rugged, red blood; to build up the body; to promote normal nutrition; to give energy, vitality, and vibrant health; to correct nervousness, dry skin, tiredness, rapid heart-beat, paleness, cuts, abrasions, and infections; to insure a healthy and normal functioning blood stream; to build resistance to disease; to supply essential nutritional factors difficult or impossible to obtain from a diet of common foods; to correct chronic constipation, pains and weakness in legs, muscular weakness, neuritis, ill-temper, nerve diseases, brittle nails, depression, loss of weight, inability to digest and assimilate sugars and starches, digestive disorders, malnutrition, diarrhea, gingivitis, premature aging, partial deafness, dull hair, and skin diseases; and to prevent disease. The article would not be effective for those purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 5, 1946. No claimant having appeared, judgment of condemnation was entered, and the product and circulars were ordered destroyed.

1986. Misbranding of Vrilium Catalytic Barium Chloride. U. S. v. 7 Tubes of Vrilium Catalytic Barium Chloride, and a quantity of printed matter. Default decree of condemnation. Product ordered delivered to the Federal Security Agency. (F. D. C. No. 17578. Sample No. 17656-H.)

LIBEL FILED: September 20, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 25, 1945, by the Vrilium Products Co., from Chicago, Ill. A number of labels and leaflets were shipped with the product.

PRODUCT: 7 devices, together with 20 labels reading in part, "Vrilium Catalytic Barium Chloride in combination with slight quantities of other elements," and 20 leaflets entitled "General Directions," at Wyandotte, Mich. The device consisted of a small pencil-shaped metal tube containing a glass vial of a white granular substance. A sample of the product had been examined and found to be entirely devoid of radioactivity (emanations).

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the leaflets were false and misleading since they represented and suggested that the article would be effective in giving forth emanations having physiological value, and that it would be effective in the treatment of conditions involving the sinuses, bronchial tubes, thyroid, low red blood corpuscle count, injuries, burns, and illness in general. The article would not be effective for such purposes.

DISPOSITION: September 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Federal Security Agency for experimental purposes.

1987. Misbranding of Sills Foot Treatment Combination Package, Sills Powder Foot Treatment, Sills Powder Treatment, and Sills Ingrown Nail Relief. U. S. v. 22 Cartons of Sills Foot Treatment Combination Package, etc. Default decree of condemnation and destruction. (F. D. C. No. 20483. Sample Nos. 23577-H to 23580-H, incl.)

LIBEL FILED: July 10, 1946, Western District of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of September 13, 1945, and March 28, 1946, by the Sills Co., from Vinita, Okla.

PRODUCT: 22 cartons of *Sills Foot Treatment Combination Package*, 8½ dozen packages of *Sills Powder Foot Treatment*, 3 packages of *Sills Powder Treatment*, and 7 jars of *Sills Ingrown Nail Relief*. Each carton of the *Sills Foot Treatment Combination Package* contained 4 envelopes of *Sills Powder Foot Treatment*, 1 envelope of *Corn and Callous Pads*, and a metal container of *Sills Corn and Callous Ointment*. Analysis showed that the powder consisted

essentially of salicylic acid, talc, aspirin, bismuth subcarbonate, boric acid, and ammonium alum; that the *Corn and Callous Ointment* consisted essentially of salicylic acid, benzocaine, and bismuth subcarbonate in an ointment base; and that the *Ingrown Nail Relief* consisted essentially of salicylic acid, benzocaine, and bismuth subcarbonate in an ointment base.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the labels of the articles and in the leaflets enclosed in various packages of the articles pertaining to the use of each of the articles and of their use in combination with one another, were false and misleading since they represented and suggested that the articles would be effective in the treatment of feet that itch, scald, crack, and blister, and would be effective in the treatment of offensive perspiring feet, calloused feet, corns, warts, deeply imbedded callouses, trench foot, chilblains, tender spots on feet, bunion discomforts, itch, water poisoning, poison ivy, impetigo or summer sores, fever blisters, pimples and irritations on the face, itching piles, and rash; and that *Ingrown Nail Relief* would be effective in the treatment of ingrown nail troubles and skin disorders. The articles would not be effective for such purposes.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1988. Misbranding of Rayo Balm. U. S. v. 16 Packages and 10 Packages of Rayo Balm. Default decree of condemnation and destruction. (F. D. C. No. 20319. Sample No. 56736–H.)

LIBEL FILED: July 3, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 13, 1946, by the Rayo Chemical Corporation, from Brooklyn, N. Y.

PRODUCT: 16 1-ounce packages and 10 2-ounce packages of *Rayo Balm* at North Adams, Mass. Examination showed that the product consisted essentially of petrolatum, calcium carbonate, and volatile oils including menthol, camphor, methyl salicylate, oil of mustard, and eucalyptol.

LABEL, IN PART: "Rayo Balm."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be effective in the treatment of colds, chest colds, headaches, stiff neck, sore throat, swellings, rheumatic pains, aches in joints, earache, and hay fever; and that the article was diaphoretic. The article would not be effective in the treatment of such conditions, and it was not diaphoretic.

DISPOSITION: August 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1989. Misbranding of Sleepy Valley Mineral Water. U. S. v. 554 Cases of Sleepy Valley Mineral Water. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 20318. Sample No. 66873–H.)

LIBEL FILED: July 2, 1946, District of Nebraska.

ALLEGED SHIPMENT: On or about May 24, 1945, by the Sleepy Valley Mineral Water Co., from Hot Springs, Ark.

PRODUCT: 554 cases, each containing 6 ½-gallon bottles of *Sleepy Valley Mineral Water* at Omaha, Nebr. Examination disclosed that the product was water containing a small amount (44 parts per million) of minerals.

LABEL, IN PART: (Bottle) "This water is heavily impregnated with minerals. * * * Contains a well balanced combination of useful minerals that help to supply the daily colloidal requirements of the body."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in circulars entitled "Drink Sleepy Valley Mineral Water," attached to some of the bottles, were false and misleading since they represented and suggested that the article would supply significant quantities of minerals; that it would neutralize the acid condition in the body, promote elimination, aid digestion, and assist metabolism; that it was a health-restoring aid; that it was a source of minerals needed by the body; that it would be efficacious in toning and regulating the intestinal tract, purifying the blood stream, eliminating poisons, and restoring normal function and metabolism; and that it would be efficacious in the treatment of nearly 30 ailments including neuritis, diabetes, nephritis, rheumatism, blood pressure, gastro-intestinal disorders, kidney and bladder disorders, and gall bladder trouble. The article was not a health-restoring aid; it did not contain significant quantities of minerals, and it would not be of value as a source of minerals needed by the body; and

it would not be efficacious for the purposes and conditions stated and implied in the labeling.

DISPOSITION: July 16, 1946. T. E. Hale, Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1990. Misbranding of Devonshire's Earth Salts. U. S. v. 213 Packages of Devonshire's Earth Salts, and a quantity of printed matter. Decree of condemnation and destruction. (F. D. C. No. 16133. Sample No. 17382–H.)

LIBEL FILED: May 15, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: The product was shipped from Los Angeles, Calif., on or about April 21 and 30, 1945, by F. S. Powers and Co., and the printed matter was transported by Felix H. Niehoff from the company's place of business at Crystal Lake, Ill., on or about September 26, 1944.

PRODUCT: 213 packages of *Devonshire's Earth Salts* at Wausau, Wis., together with a number of circulars entitled "Devonshire's Earth Salts Mineral Elements" and a placard reading, "There is no substitute for Devonshire's Earth Salts Mineral Elements For the Human Body if You are Sick—See What it Will Do For You." Examination showed that the product consisted essentially of phosphates, carbonates, chlorides, and sulfates of calcium, iron, magnesium, and sodium, and a small proportion of sulfur.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars and on the placard were false and misleading since they represented and suggested that the article would be effective in the treatment of appendicitis, trench mouth, skin disorders, colds, sinus, stomach trouble, Bright's disease, diabetes, high blood pressure, poor eyesight, kidney trouble, backache, dizzy spells, colitis, headache, neuritis, rheumatism, gall bladder trouble, a general run-down condition, and palpitation of the heart; that the article would build and strengthen the body and increase vitality and energy; and that it was a great body cleaner. The article would not be effective for the purposes represented.

DISPOSITION: May 15, 1946. Felix H. Niehoff, Wausau, Wis., claimant, having withdrawn his claim to the product, judgment of forfeiture was entered and it was ordered that the circulars and placard be destroyed and that the product be sold.

1991. Misbranding of Vitaminized Sodeom Tablets and various other drugs. U. S. v. 6 Bottles of Vitaminized Sodeom Tablets, etc. Decrees ordering the products in one lot released under bond for relabeling and those in the other lot delivered to the claimant upon destruction of certain booklets. (F. D. C. Nos. 15710, 15718. Sample Nos. 4205–H, 4206–H, 4208–H, 4209–H, 28143–H to 28151–H, incl., 28153–H to 28155–H, incl., 28160–H.)

LIBELS FILED: March 15 and 22, 1945, Eastern Districts of Pennsylvania and Washington.

ALLEGED SHIPMENT: Between the approximate dates of March 16, 1944, and January 23, 1945, by the Mineralized Foods, Inc., from Baltimore, Md.

PRODUCT: 47 bottles of *Vitaminized Sodeom Tablets*, 57 bottles of *Imported Sea Vegetation Tablets*, 6 bottles of *Vitaminized Imported Sea Vegetation Tablets*, 26 bottles of *Sea Vegecene (Powder)*, 18 bottles of *Kalseom*, 62 bottles of *D–X Tablets*, 44 bottles of *Imported Sea Vegetable Tablets*, 26 bottles of *Ferrolene Tablets*, 17 bottles of *Sea-Vo-Kra Tablets*, 5 bottles of *FYA Tablets*, 4 bottles of *West-Aid Tablets*, 10 bottles of *Mar-Glo Tablets*, and a number of accompanying booklets entitled "Excerpts from 'Diet Daily or Die Early'." The products were located at Philadelphia, Pa., and Yakima, Wash.

LABEL, IN PART: "West's Sodeom * * * (Edible Sea Plants) carefully blended with added Vitamin A (Ester) and Vitamin C (Ascorbic Acid) * * * Vitaminized Sodeom Tablets," "West's Sodeom * * * a Blend of West's Imported Sea Vegetation (Edible Sea Plants)," "West's Imported Sea Vegetation (Edible Sea Plants) Vitaminized with added Vitamin A (Carotene)," "West's Imported Sea Vegetable Tablets (Edible Sea Vegetables)," "West's Sea Vegecene (Powder) Consists of West's Imported Sea Vegetation (Edible Sea Plants)," "West's Kalseom * * * a Blend of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Bone Calcium Phosphate, Vitamin C (Ascorbic Acid) and Vitamin D (Egerostol)," "D–X Tablets * * * Consists of an imported variety of West's Sea Vegetation (Edible Sea Plants) carefully blended with Peppermint Leaves, Jambul Seed, Jambul Bark, Blue-

berry Leaves in their natural organic herbal state," "Ferrolene Made With West's Imported Sea Vegetation (Edible Sea Plants) with added Vitamin C (Ascorbic Acid); colored with natural alfalfa; flavored with certified food flavoring," "West's Sea-V-o-Kra Tablets Consists of a blend of West's Imported Sea Vegetation (Edible Sea Plants) in combination with Okra * * * Due to War conditions Marshmellow Roots (Althea U. S. P. XI) substituted for Okra," "FYA Tablets * * * consists of an imported variety of West's Sea Vegetation (Edible Sea Plants) carefully blended with added Vitamin A (Ester) and Vitamin B-1 (Thiamin) and flavored with cinnamon," "West-Aid * * * a Blend of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Brewer's Yeast, Wheat Embryo and Vitamin B–1 (Thiamin)," "Mar-Glo Tablets * * * a blend consisting of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Brewer's yeast, also with added Vitamin B–1 (Thiamin Hydrochloride) and Calcium Pantothenate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklets were misleading in that they suggested and implied that the use of the articles, either singly or in combination, would be effective in preventing or correcting a wide variety of serious diseases including arthritis, rheumatism, neuritis, high blood pressure, low blood pressure, heart conditions, nervousness, frequent colds, kidney conditions, sleeplessness, constipation, migraine headaches, skin conditions, poor eyesight, hay fever, asthma, sinus infection, menopause, continual tiredness, underweight, overweight, stomach and intestinal ulcers, general weakness, diabetes, painful and irregular menstruation, dropsy, swollen limbs, gall bladder conditions, supersensitivity, brittle fingernails, stiff joints, poor memory, poor circulation, mucous condition, low energy, glandular disturbances, varicose veins, epilepsy, palsy, cataracts, catarrhal conditions, tooth malformation, excessive acid, stomach trouble, cancer, and degenerative diseases; and that the use of the articles, either singly or in combination, would be effective to insure health and to provide minerals essential to the diet of man that are not available from common foodstuffs. The articles, singly or in combination, would not effect the results suggested or implied, and they would not provide minerals of nutritional significance that are unavailable from common foodstuffs.

The articles were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: On April 10, 1945, Mineralized Foods, Inc., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment was entered finding the products misbranded by reason of the misleading statements in the booklets and ordering them returned to the claimant; and it was further ordered that the booklets be condemned and destroyed. On June 12, 1945, Armstrong's Natural Food Center, Yakima, Wash., and Mineralized Foods, Inc., claimants for the Yakima lot, having consented to the entry of a decree, judgment was entered ordering that the products be released under bond for relabeling.

1992. Misbranding of Reiner's Rinol. U. S. v. 21 Bottles of Reiner's Rinol, and 35 circulars. Default decree of condemnation and destruction. (F. D. C. No. 19696. Sample No. 15941–H.)

LIBEL FILED: April 26, 1946, Northern District of Indiana.

ALLEGED SHIPMENT: On or about March 16, 1946, by the Reiner Medicine Co., Cincinnati, Ohio. The accompanying circulars were delivered on or about January 25, 1946.

PRODUCT: 21 bottles of *Reiner's Rinol* and 35 circulars entitled "Reiner's Rinol" at Marion, Ind. Examination showed that the product consisted essentially of sodium salicylate, sodium citrate, sodium iodide, water, and alcohol.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the accompanying circulars were false and misleading since they represented and suggested that the product would be efficacious in the treatment of rheumatism, arthritis, and neuritis. The product would not be efficacious for such purposes.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

DRUGS FOR VETERINARY USE*

1993. Misbranding of Medicrude. U. S. v. Mid-Continent Petroleum Corporation. Plea of nolo contendere. Judgment of guilty. Fine, $500. (F. D. C. No. 20161. Sample No. 18748–H.)

INFORMATION FILED: August 8, 1946, Northern District of Oklahoma, against the Mid-Continent Petroleum Corporation, Tulsa, Okla.

ALLEGED SHIPMENT: From the State of Oklahoma into the State of Minnesota. The article was shipped on or about March 10, 1945, and a number of circulars entitled "For the Farm Diamond D–X Lubricants and Fuels and Other Products" and "Medicrude For the Treatment of Mange and Other Ailments of Hogs and Other Livestock" were shipped prior to that date.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the circulars and certain designs in the circulars illustrating disease or abnormal conditions affecting hogs were false and misleading in that they represented and created the impression that the article would be effective in the treatment of demodectic or follicular type of mange which commonly infests hogs; that it would be effective against lice which infest poultry; that it would be of value in cleaning out lice from poultry houses; and that the article, when used as directed, would be effective in the control in hogs of flu, colds, constipation, worms, elephant hide, bull nose, and other ailments of hogs. The article would not be effective for such purposes.

DISPOSITION: August 29, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court found the defendant guilty as charged and imposed a fine of $500.

1994. Misbranding of Sulfasol. U. S. v. 6 Bottles and 106 Bottles of Sulfasol, and a number of circulars and posters. Default decree of condemnation and destruction. (F. D. C. No. 20252. Sample No. 51519–H.)

LIBEL FILED: June 19, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about May 15, 1946, by the Sibley Veterinary Supply Co., Sibley, Iowa.

PRODUCT: 6 ½-gallon bottles and 106 pint bottles of *Sulfasol* at Sioux City, S. Dak.; also a number of circulars entitled "Now! Sulfa in Liquid Form for Poultry" and a number of posters entitled "Sulfasol the Sulfa Drug for Poultry." Analyses showed that the article contained, as declared, essentially 18.75 grams of sodium sulfathiazole per fluid ounce.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements and designs were false and misleading: (Label) "An Aid in the Control of Colds"; (circular) "An Aid in the Control of Colds or Coryza in Poultry * * * a valuable aid in controlling Colds or Coryza in infected flocks. * * * Sulfasol—for Colds or Coryza * * * Used effectively as an aid in the Control of Colds or Coryza * * * "; (poster) [drawing of the head of a sick chicken having a towel pinned around the neck, and showing symptoms of a bad head cold] "An Aid in the Control of Colds or Coryza." The product, when used as directed, would not be effective in the treatment of colds or coryza in poultry.

DISPOSITION: July 23, 1946. No claimant having appeared, judgment of condemnation was entered and the drug and the circulars were ordered destroyed.

1995. Misbranding of Flick. U. S. v. 81 Bottles of Flick. Default decree of condemnation and destruction. (F. D. C. No. 20240. Sample No. 52945–H.)

LIBEL FILED: June 10, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 19, 26, and 27, 1946, by the Garden Products Co., from St. Louis, Mo.

PRODUCT: 45 3-ounce and 36 6-ounce bottles of *Flick* at Cincinnati, Ohio. Analysis showed that the product consisted essentially of a suspension of a small amount of rotenone in a mixture of pine oil and sulfonated oils.

LABEL, IN PART: "Flick Hygienic Dip For Dogs."

NATURE OF CHARGE: Misbranding, Section 502(a), the following statements on the bottle label were false and misleading: "Relieves Eczema, Mange, Sores, Itching, Scratches and Skin Irritations Removes 'Doggy Odor' Produces a glossy coat. Keeps skin healthy. * * * highly efficient for maintaining dog health * * * Harmless to the skin * * * Eczema, Mange, Sores, itching and other skin irritations are relieved by applying Flick full strength on

*See also Nos. 1963, 1966.

and around sores and scratches. * * * Whether your dog is infested or not a Flick treatment after every bath will keep his skin healthy and his coat beautiful." The product would not be effective for the purposes claimed, and it might be harmful to the skin of dogs.

DISPOSITION: July 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1996. Adulteration and misbranding of Pratts Poultry Worm Powder and misbranding of Pratts N–K Capsules. U. S. v. 66 Packages of Pratts N–K Capsules (and 2 other seizure actions against Pratts Poultry Worm Powder and Pratts N–K Capsules). Default decrees of condemnation and destruction. (F. D. C. Nos. 19979, 20481, 20482. Sample Nos. 4929–H, 4932–H, 4933–H, 4935–H, 4936–H.)

LIBELS FILED: On or about June 3 and July 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, 1945, and January 17 and May 9, 1946, by the Pratt Food Co., from Philadelphia, Pa.

PRODUCT: 66 packages and 46 packages of *Pratts N-K Capsules* at Vineland and Millville, N. J., respectively, and 4 cartons, each containing 10 packages, of the capsules, together with 32 packages of *Pratts Poultry Worm Powder*, at Brooklawn, N. J. Analyses revealed that the *Pratts N-K Capsules* each consisted essentially of nicotine between 2.38 percent and 2.54 percent, phenothiazine between 1.90 percent and 2.89 percent, and a small amount of strychnine; and that the *Pratts Poultry Worm Powder* consisted essentially of nicotine, 4 percent, phenothiazine, 9.25 percent, and small amounts of copper sulfate and strychnine.

NATURE OF CHARGE: *Pratts Poultry Worm Powder*, adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was represented to contain 12 percent of phenothiazine, but contained less than that amount. Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be effective for the removal of all species of worms which infest poultry, and that it would be effective against cecal worms in poultry, whereas it would not be effective for such purposes; and the label statement, "Active Ingredients * * * Phenothiazine 12.00%," was false and misleading.

Pratts N-K Capsules, misbranding, Section 502 (a), certain statements on the labels of the article and in accompanying labeling consisting of package inserts entitled "Pratt's Split Action Capsules," a circular entitled "Why Feed 3 Pullets To Get One Egg," and a booklet entitled "The Poultry Health Guide" were false and misleading since they represented and suggested that the article would have special action in releasing the different ingredients at different times in the intestinal tract for the elimination of the different species of worms that infest poultry, and that the article would be effective in the treatment of cecal worms (*Heterakis gallinae*) and capillaria species of worms that infest the intestinal tract of poultry. The article did not possess the special action stated and implied, and it would not be effective in the treatment of the conditions mentioned. Further misbranding, Section 502 (a), the label statement, "Improved Formula Phenothiazine Added," appearing on the article at Vineland and Brooklawn, N. J., was misleading in that it suggested that phenothiazine was present in the article in a sufficient amount to be effective as an active ingredient for the removal of cecal worms which infest chickens and turkeys, whereas phenothiazine was not present in the product in a sufficient amount to be effective as an active ingredient for such purposes.

DISPOSITION: June 28 and August 9, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1997. Misbranding of Diarex, Swinade, Lax-A-Ton, and Paralax. U. S. v. 14 Cans of Diarex, 42 Packages and 360 Packages of Swinade, 231 Quarts, 112 Pints, 44 Gallons, and 17 ½-Gallons of Lax-A-Ton, and 18 Cartons and 15 Cartons of Paralex (and 1 other seizure action against Diarex and Swinade). Default decrees of condemnation and destruction. (F. D. C. Nos. 19697, 19723. Sample Nos. 19645–H, 19646–H, 50694–H to 50697–H, incl.)

LIBELS FILED: April 22 and May 3, 1946, Northern District of Iowa and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of May 29 and July 13, 1944, by Central Laboratories, from Bensenville, Ill.

PRODUCT: 14 cans of *Diarex*, 42 5-pound packages and 360 1-pound packages of *Swinade*, 231 quarts, 112 pints, 44 gallons, and 17 ½-gallons of *Lax-A-Ton*, and 18 cartons, each containing 6 8-ounce packages, and 15 cartons, each containing 2 1-pound packages, of *Paralax*, at West Union, Iowa; and 238 1-pound cans and 76 5-pound cans of *Swinade*, and 178 7-ounce cartons of *Diarex*, at Mankato, Minn.

Analyses disclosed that the *Diarex* consisted essentially of bismuth subnitrate and subcarbonate, phenyl salicylate, tannic acid, sodium bicarbonate, and calcium and magnesium carbonates; that the *Swinade* consisted essentially of sulfur, iron sulfate, mandrake, strychnine-bearing material, corn meal, hydrated lime, and a magnesium compound; that the *Lax-a-Ton* consisted essentially of water with small amounts of potassium nitrate, potassium chlorate, potassium dichromate, and magnesium sulfate; and that the *Paralax* consisted essentially of calcium carbonate, nicotine, sulfate, 1.95 percent, sulfates of iron and copper, and a strychnine-bearing drug, nux vomica.

NATURE OF CHARGE: *Diarex*, misbranding, Section 502 (a), the designation "Diarex" and certain label statements were false and misleading since they represented and suggested that the article would be effective in the prevention and treatment of scours and diarrhea in animals. The article would not be effective for such purposes.

Swinade, misbranding, Section 502 (a), the designation "Swinade" and certain label statements were false and misleading since they represented and suggested that the article would be an aid for swine; that it would be effective to help eliminate intestinal parasites and large round worms in swine; and that it would be effective to eliminate intestinal parasites in swine by repeating the treatment in seven days when a herd was heavily infested with worms. The article would not be effective for the purposes stated and implied.

Lax-A-Ton, misbranding, Section 502 (a), the designation "Lax-A-Ton" and certain label statements were false and misleading since they represented and suggested that the article possessed laxative and tonic properties, and that it would be effective as an intestinal astringent for chickens and turkeys. The article was not a laxative or a tonic, and it would not be effective as an intestinal astringent for chickens and turkeys.

Paralax, misbranding, Section 502 (a), the designation "Paralax" and certain statements on the label of the article and in an accompanying leaflet were false and misleading since they represented and suggested that the article possessed laxative properties; that it would have some effect on paralysis of poultry; that it would be effective in the treatment and prevention of worms which infest poultry; and that when used with the product, *Lax-A-Ton*, it would be effective in the treatment of mycosis, coccidiosis, worms, and paralysis caused by parasites. The article was not a laxative; it would have no effect on paralysis of poultry; and it would not be effective alone or with the product, Lax-A-Ton, in the treatment of the conditions stated and implied. Further misbranding, Section 502 (e) (2), the label failed to bear the name and quantity or proportion of strychnine contained in the article.

DISPOSITION: May 24 and July 3, 1946. No claimant having appeared, judgments were entered condemning the products and ordering that they be destroyed.

1998. Misbranding of Knox-It, Flex-O Udder Ointment, and Flex-O Scourene. U. S. v. 88 Packages of Knox-It, 114 Cans of Flex-O Udder Ointment, and 77 Packages of Flex-O Scourene. Default decree of forfeiture and destruction. (F. D. C. No. 21012. Sample Nos. 19660–H to 19662–H, incl.)

LIBEL FILED: September 19, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 9 and April 3, 1945, and March 12, 1946, by the Dairy Remedies Co., from Montclair, N. J.

PRODUCT: 88 packages of *Knox-It*, 114 Cans of *Flex-O Udder Ointment*, and 77 packages of *Flex-O Scourene* at Monroe, Wis. Analysis of samples of the articles showed that the *Knox-It* consisted essentially of nitrogenous plant material, including starch, sulfur, iodine, iodoform, and formaldehyde compound, with small amounts of copper sulfate and lime; that the *Flex-O Udder Ointment* consisted essentially of petrolatum, with small amounts of wintergreen oil, mustard oil, turpentine, and a red coloring matter; and that the *Flex-O Scourene* consisted of a white powder containing essentially calcium carbonate, sodium, zinc, and calcium phenolsulfonates.

NATURE OF CHARGE: *Knox-It*. Misbranding, Section 502 (a), the designation "Knox-It" and certain label statements were false and misleading since they

represented and suggested that the article would be effective in the treatment of disturbances of the mammary system of dairy cattle; that it would be effective to build up resistance of the animals to prevent any disturbance of the mammary system; and that the *Flex-O Udder Ointment* would be effective to assist the healthy milk secretion and flow of blood to the udder.

Flex-O Udder Ointment. Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be effective in the treatment of disease conditions of the udder of cows.

Flex-O Scourene. Misbranding, Section 502 (a), the designation "Scourene" and certain label statements were false and misleading since they represented and suggested that the article would be effective for the disease condition of animals known as scours; that it would be effective as an astringent medication for intestinal derangements of farm and dairy animals; that it would be effective for intestinal infections in farm animals; that it would be effective as an astringent; and that it would be effective in the treatment of simple scours in calves, colts, pigs, dogs, and lambs, or where such contagion exists among fowls.

The articles would not be effective for the purposes claimed.

DISPOSITION: January 21, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF OMISSION OF, OR UNSATISFACTORY, INGREDIENTS STATEMENTS*

1999. Misbranding of estrogenic substance powder and estrogenic substance in sesame oil. U. S. v. 1 Bottle of Estrogenic Substance Powder (and 2 seizure actions against Estrogenic Substance in Sesame Oil). Consent decrees of condemnation. Products ordered released under bond to be relabeled. (F. D. C. Nos. 16265, 16288, 16289. Sample Nos. 3846–H, 3847–H, 4085–H, 31328–H.)

LIBELS FILED: Between May 23 and 31, 1945, Southern District of California and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 27 and April 10, 1945, by the Hormorgano Corporation, from Jamaica, N. Y.

PRODUCT: 1 bottle of *estrogenic substance powder* at Pasadena, Calif., and 10 bottles of *estrogenic substance in sesame oil* at Philadelphia. Pa. Examination showed that the *estrogenic substance powder* contained 20 percent of estrogenic or other phenolic compounds and 80 percent of a diluent. The estrogenic potency was due principally to estradiol. Examination of the *estrogenic substance in sesame oil* showed that the product was an oil solution containing principally estradiol, with perhaps a small proportion of estrone or other ketosteroids.

LABEL, IN PART: "Estrogenic Substance in Sesame Oil," or "Estrogenic Substance Powder."

NATURE OF CHARGE: Misbranding, Section 502 (e), the products were fabricated from two or more ingredients and the labels failed to bear the common or usual name of each active ingredient, since the label designation "Estrogenic Substance" is not the specific name of any particular substance, but is a generic name for a class of substances.

DISPOSITION: June 19 and September 7, 1945. The Hormorgano Corporation, claimant, having consented to the entry of decrees, and the Philadelphia cases having been consolidated, judgments of condemnation were entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2000. Misbranding of estrogenic substance. U. S. v. 1 Bottle of Estrogenic Substance. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19581. Sample No. 45051–H.)

LIBEL FILED: April 1, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about March 1, 1946, by the Tremond Co., from Brooklyn, N. Y.

PRODUCT: 1 bottle of *estrogenic substance* at Los Angeles, Calif.

NATURE OF CHARGE: Misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or

*See also Nos. 1955, 1956, 1961, 1962, 1966, 1978, 1997.

usual name of each active ingredient, since the label designation "Estrogenic Substance" is not the specific name of any particular substance, but is a generic name for a class of substances.

DISPOSITION: July 16, 1946. The Tremond Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 1951 TO 2000

PRODUCTS

[1] (1981) Permanent injunction issued.
[2] (1980) Permanent injunction issued. Contains opinions of the court, findings of fact, and conclusions of law.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] (1981) Permanent injunction issued.
[2] (1980) Permanent injunction issued. Contains opinions of the court, findings of fact, and conclusions of law.

ERRATA

P. 217, paragraph 1: First 3 words should read "*Worm Seed* ℞"; paragraph 2, after first 2 words "*Goat Kidding,*" substitute symbol "℞" for letter "R."

P. 222: Third line from bottom, column 1, substitute "Health" for "Heath."

U. S. GOVERNMENT PRINTING OFFICE: 1947

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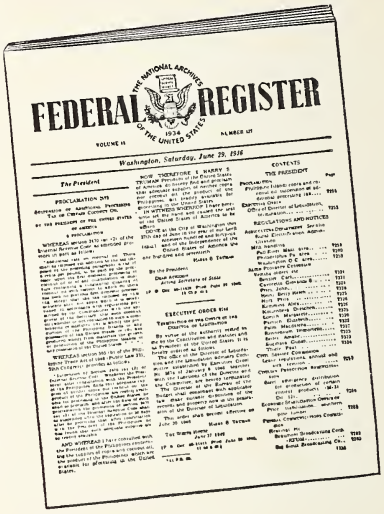
FEDERAL REGISTER

Washington, Saturday, June 29, 1946

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NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2001–2050

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 5, 1947.*

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DRUG ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

2001. Misbranding of Anademin Tablets. U. S. v. 52 Packages and 5 Packages of Anademin Tablets. Default decree of condemnation and destruction. (F. D. C. No. 20102. Sample No. 14079–H.)

LIBEL FILED: June 26, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 30, 1945, and April 8 and May 29, 1946, by the Anademin Chemical Co., from Chattanooga, Tenn.

PRODUCT: 52 100-tablet packages and 5 500-tablet packages of *Anademin Tablets* at Cincinnati, Ohio. Assay by the method described in the Twelfth Revision of the United States Pharmacopoeia showed that each tablet of the product had a potency of 3.17 U. S. P. Digitalis Units.

LABEL, IN PART: "100 [or "500"] 5 grain Tablets Anademin * * * Caution: To be used only by or on the prescription of a physician. Assay: As assayed by the method described in U. S. P. XII for Digitalis, each tablet has a potency of 1.25 U. S. P. Digitalis units."

*For omission of, or unsatisfactory, ingredients statements, see Nos. 2003, 2005, 2008, 2031, 2034, 2035, 2046; failure to comply with the packaging requirements of an official compendium, No. 2028; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 2003, 2028.

747146—47——1

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "As assayed by the method described in U. S. P. XII for Digitalis, each tablet has a potency of 1.25 U. S. P. Digitalis units," was false and misleading since the potency of the article as indicated by the method described in the Twelfth Revision of the United States Pharmacopoeia was materially in excess of 1.25 U. S. P. Digitalis Units; and, Section 502 (j), the article was dangerous to health when used in the dosage suggested by the statement quoted above, since, if prescribed by a physician in reliance upon such statement of potency, the patient would receive an excessive amount of a potent drug.

DISPOSITION: August 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUG REQUIRING CERTIFICATE OR RELEASE, FOR WHICH NONE HAD BEEN ISSUED

2002. Misbranding of penicillin sodium. U. S. v. 102 Vials of Penicillin Sodium. Default decree of condemnation. Product ordered delivered to public welfare institution. (F. D. C. No. 20248. Sample Nos. 14070–H, 14072–H, 14073–H.)

LIBEL FILED: June 12, 1946, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about February 8, 1946, by the Hale-Justis Drug Co., from Cincinnati, Ohio.

PRODUCT: 102 vials of *penicillin sodium* at Lexington, Ky. The product had not been certified in accordance with the requirements of the law.

LABEL, IN PART: "No. 732 Penicillin Sodium 100,000 Oxford Units (Mfd. by Heyden Chemical Corporation) * * * Supplied by Lakeside Laboratories Milwaukee, Wisconsin."

NATURE OF CHARGE: Section 502 (l), the article was a drug composed in whole or in part of a derivative of penicillin, and it was not from a batch with respect to which a certificate of release, issued pursuant to the regulations, was in effect.

DISPOSITION: August 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public welfare institutions, since the Food and Drug Administration had certified that the product was fit for use.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

2003. Misbranding of sulfathiazole tablets, sulfadiazine tablets, and nembutal capsules. U. S. v. I. James Hendelberg (Southeast Pharmacy). Plea of nolo contendere. Fine, $400. (F. D. C. No. 19538. Sample Nos. 2966–H to 2968–H, incl., 2971–H.)

INFORMATION FILED: April 19, 1946, District of Columbia, against I. James Hendelberg, trading as Southeast Pharmacy, Washington, D. C.

PRODUCT: *Sulfathiazole tablets* and *sulfadiazine tablets*, sulfa drugs; and *nembutal capsules* which contained pentobarbital, a derivative of barbituric acid, which has been designated as habit forming.

NATURE OF CHARGE: That between the approximate dates of December 27, 1945, and January 17, 1946, while the articles were in interstate commerce, the defendant repacked a quantity of the various articles in unlabeled envelopes and boxes.

The information further charged that the acts of the defendant resulted in the misbranding of the articles in the following respects: Section 502 (b) (1) and (2), the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e), they were not designated solely by names recognized in an official compendium, and they failed to bear labels declaring the common or usual names of the articles; Section 502 (f) (1), they were without labels bearing adequate directions for use; and, Section 502 (f) (2), they were without labels bearing such adequate warnings against use in those pathological conditions or by children where their use may be

dangerous to health, or against unsafe dosage or methods or duration of administration or applications, in such manner and form as are necessary for the protection of users.

Further misbranding, *nembutal* (pentobarbital sodium), Section 502 (e), the article failed to bear a label containing the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, a statement "Warning—may be habit forming."

DISPOSITION: April 22, 1946. The defendant having entered a plea of nolo contendere, the court imposed the fine of $100 on each count, a total fine of $400.

2004. Misbranding of Nu Pep Tonic Tablets. U. S. v. David Klebanoff (Dake Pharmacal Company). Plea of nolo contendere. Fine, $250. (F. D. C. No. 16605. Sample Nos. 22518–H, 29023–H.)

INFORMATION FILED: January 29, 1946, Eastern District of Pennsylvania, against David Klebanoff, trading under the firm name of Dake Pharmacal Company, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about December 1 and 10, 1944, from the State of Pennsylvania into the States of Illinois and California.

LABEL, IN PART: "Nu Pep Tonic Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Nu Pep" was false and misleading since the article, when used as directed, would not produce new pep. Further misbranding, Section 502 (a), the labeling of the article was misleading in that it failed to reveal the fact that orchic substance, prostate glands, powdered extract damiana, and powdered extract gentian and avenin were not active ingredients, which fact was material in the light of the following representations displayed upon the box containing the article: "Contents of Each Tablet Strychnine Sulphate 1/80 gr. Yohimbine Hydrochloride 1/10 gr. Zinc Phosphide 1/10 gr. Orchic Substance ½ gr. Prostate Glands 1 gr. Powd. Ext. Damiana 1 gr. Powd. Ext. Gentian 1 gr. Avenin 1 gr."

Further misbranding, Section 502 (f) (2), the label of the article failed to bear such adequate warnings against use in those pathological conditions where its use may be dangerous to health, or against unsafe dosage and duration of administration, in such manner and form, as are necessary for the protection of users. The article contained strychnine, and its labeling failed to bear a warning that the use for elderly persons of a product containing strychnine may be especially dangerous and that frequent and continued use of a product containing strychnine should be avoided, since frequent or continued use of the product may result in the administration of an amount of strychnine which would be unsafe.

DISPOSITION: June 5, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of $250.

2005. Misbranding of drug tablets. U. S. v. 70,600 Tablets and 52,000 Tablets. Default decree of condemnation and destruction. (F. D. C. No. 21623. Sample Nos. 5340–H, 5341–H.)

LIBEL FILED: On or about November 12, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about July 19 and September 3, 1945, by Strong Cobb & Co., Inc., from Cleveland, Ohio.

PRODUCT: 70,600 *tablets* and 52,000 *tablets* at Cologne, N. J. Analysis showed that the 70,600-tablet lot contained bismuth carbonate, magnesium sulfate, charcoal, and salol; and that the 52,000-tablet lot contained copper sulfate, magnesium sulfate, and potassium permanganate. The *tablets* were shipped in bulk containers, and no written agreement as to the labeling of the *tablets* existed between the consignee and the shipper.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of both lots of the tablets failed to bear adequate directions for use; and, Section 502 (e) (2), the label of the 52,000-tablet lot failed to bear the common or usual name of each active ingredient.

DISPOSITION: December 9, 1946. No claimant having appeared, judgment of condemnation was entered and the tablets were ordered destroyed.

2006. Misbranding of Paulette's Special Tablet Compound. U. S. v. 11½ Dozen Packages of Paulette's Special Tablet Compound. Default decree of condemnation and destruction. (F. D. C. No. 20229. Sample No. 53209–H.)

LIBEL FILED: June 6, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about April 12, 1946, by the Youngs Rubber Corporation, Inc., from New York, N. Y.

PRODUCT: 11½ dozen packages of *Paulette's Special Tablet Compound* at Nashville, Tenn. Examination showed that the tablets consisted essentially of a laxative plant drug such as aloes, iron sulfate, and myrrh, coated with calcium and magnesium carbonates.

LABEL, IN PART: (Package) "Contents 24 Tablets Paulette's Brand Special Tablet Compound."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to reveal the reason for the use of the article; and, Section 502 (f) (2), it failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, since the article was essentially a laxative and since the warning "Not for use in pregnancy or appendicitis" was not an adequate warning to inform users that the article should not be taken in case of nausea, vomiting, abdominal pain or other symptoms of appendicitis. The labeling further failed to warn that frequent or continued use of the article may result in dependence upon laxatives.

DISPOSITION: October 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2007. Misbranding of B–I–F Combination. U. S. v. 42 Cartons of B–I–F Combination. Default decree of condemnation and destruction. (F. D. C. No. 19946. Sample No. 993–H.)

LIBEL FILED: May 27, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 25, 1945, and January 3, 1946, by W. C. Hughes and Co., Inc., from Baltimore, Md.

PRODUCT: 42 cartons, each containing 2 bottles, of *B-I-F Combination* at Miami, Fla. Examination showed that one of the bottles in the carton contained "B-I-F Emulsion," which consisted essentially of balsam of copaiba, oil of cassia, sugar, glycerin, water, a gum, and a potassium compound; and that the other bottle contained "B-I-F Injection," which consisted essentially of zinc acetate, glycerin, and a small proportion of carbolic acid and water, colored with caramel. A leaflet entitled "B. I. F. Combination" was enclosed in some of the cartons.

LABEL, IN PART: (Bottles) "Purchasers wishing to avoid attention in the use of this article, are advised to place the bottle in water a few moments after which this label can readily be removed." (Leaflet contained in some cartons) "B-I-F Combination An Emulsion (For Internal Use) An Injection (with Syringe) Directions Shake the bottle containing the Injection which is red, fill the syringe full, and inject the contents slowly into the urinal passage, holding the syringe in the right hand. Allow the medicine to remain 20 or 30 seconds. The Emulsion which is white, should be taken internally three times a day, before meals, in teaspoonful doses, in the morning on arising, at noon and at bedtime. The injection should be used about the same time, and always after passing water."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling created the false and misleading impression that the product would be efficacious in the treatment of gonorrhea, whereas it would not be efficacious for such purpose; and, Section 502 (f) (1), the labeling of the portion that was not accompanied by the leaflet failed to bear adequate directions for use.

DISPOSITION: August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2008. Misbranding of Dupree Brand Pills. U. S. v. 67 Boxes, 114 Boxes, and 34 Packages of Dupree Brand Pills. Default decrees of condemnation and destruction. (F. D. C. Nos. 19944, 19945. Sample Nos. 19755–H, 43923–H, 43924–H.)

LIBELS FILED: May 28, 1946, Southern District of California and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of January 11 and May 9, 1946, by the Dupree Medical Co., from New York, N. Y.

PRODUCT: 34 packages of *Dupree Double Strength Pills* at St. Paul, Minn., and 67 Boxes of *New Formula Pills* and 114 boxes of *Extra Strength New Formula Pills* at Los Angeles, Calif. Examination showed that the products consisted essentially of yohimbin hydrochloride, asafetida, and a laxative plant drug. In addition, the *New Formula Pills* contained metallic iron, and the *Double Strength* and *Extra Strength Pills*, which were apparently the same product under slightly different labels, contained iron sulfate.

LABEL, IN PART: (New Formula Pills) "Yohimbin hydrochloride, 1/24 grain, dried iron sulfate, asafetida and aloe"; (Double Strength Pills) "Yohimbin Hydroch. 1/16 gr., Asafetida, Dried Iron Sulfate, Aloes Soc."; and (Extra Strength Pills) "Yohimbin Hydroch. Gr. 1/16 Dried Iron Sulfate, Asafetida, Aloes Soc."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the products failed to bear adequate directions for use since it failed to state why the articles were to be used; *New Formula Pills*, misbranding, Section 502 (a), the label statement, "Each pill contains * * * dried iron sulfate," was false and misleading since the product did not contain iron sulfate; and, Section 502 (e) (2), the product was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each active ingredient since the label failed to reveal the presence of metallic iron.

DISPOSITION: July 29 and September 25, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2009. Misbranding of West's Imported Sea Vegetable Tablets and various other drugs. U. S. v. Various Quantities of West's Imported Sea Vegetable Tablets, etc. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19509. Sample Nos. 59818–H to 59833–H, incl., 59836–H, 59837–H, 59861–H to 59863–H, incl.)

LIBEL FILED: April 17, 1946, Western District of Pennsylvania; libel amended July 23, 1946.

ALLEGED SHIPMENT: Between the approximate dates of January 16 and February 26, 1946, by Mineralized Foods, Inc., from Baltimore, Md., and by Sherman Foods, Inc., from New York, N. Y.

PRODUCT: 1 bulk package and 69 bottles of *West's Imported Sea Vegetable Tablets*, 1 bulk package and 69 bottles of *West's Sodeom Vitaminized*, 1 bulk package and 30 bottles of *West-Aid*, 1 bulk package and 30 bottles of *West's Sea-Vo-Kra Tablets*, 1 bulk package and 30 bottles of *West's D-X Tablets*, 54 bottles of *West's Ferrolene*, 51 bottles of *West's Kalseom*, 43 bottles of *West's FYA Tablets*, 12 bottles of *West-Lax*, 5 1-pound cartons of *West's Vi-Linn (Chocolate)*, 5 1-pound cartons of *West's Vi-Linn (Banana)*, 74 bottles of *West's Sodeom*, 51 bottles of *West's Sea Vegecene*, 2 bottles of *West's Mar-Glo Tablets*, and 4 1-pound cartons of *West-Co.*, at Pittsburgh, Pa. Each of the bulk packages contained 5,000 tablets, the bottles of the *Sea Vegecene* were in 2-, 5-, and 8-ounce sizes, and the bottles containing the other products were in 100-, 125-, 240-, 300-, 400-, and 500-tablet sizes. The *Sea Vegecene*, *Ferrolene*, *Kalscom*, *FYA Tablets*, and *Sodeom* had been shipped in bulk containers and repacked by the dealer into bottles before seizure.

The sale of these products at Pittsburgh was promoted through lectures given by Mr. N. S. West, who was the active individual in Mineralized Foods, Inc., and at those lectures Mr. West recommended the products for use in the treatment of certain specific conditions.

LABEL, IN PART: "West's Imported Sea Vegetable Tablets (Edible Sea Plants)," "West's Sodeom is a trade name for a blend of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Vitamin A (Ester) and Vitamin C (Ascorbic Acid)," "West-Aid is a trade name for a blend of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Brewer's Yeast, Wheat Embryo and Vitamin B–1 (Thiamin)," "West's Sea-Vo-Kra Tablets Consists of a blend of West's Imported Sea Vegetation (Edible Sea Plants) in combination with Okra," "West's 'D-X' Tablets * * * Consists of an imported variety of West's Sea Vegetation (Edible Sea Plants)

carefully blended with Peppermint Leaves, Jambul Seed, Jambul Bark, Blueberry Leaves in their natural organic herbal state," "Ferrolene Made With West's Imported Sea Vegetation (Edible Sea Plants) with added Vitamin C (Ascorbic Acid); colored with natural alfalfa, flavored with certified food flavoring," "West's Kalseom is a trade name for a blend of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Bone Calcium Phosphate, Vitamin C (Ascorbic Acid) and Vitamin D (Egerostol)," "FYA Tablets * * * consists of an imported variety of West's Sea Vegetation (Edible Sea Plants) carefully blended with added Vitamin 'A' (Ester) and Vitamin B–1 (Thiamin) and flavored with cinnamon," "West-Lax * * * Consists of an imported variety of West's Sea Vegetation (Edible Sea Plants) naturally laxative, carefully blended with Senna Fruit, ripe fruit of Cassia Fistula and Chinese Rhubarb, flavored with Peppermint Leaves," "West's Vi-Linn (Chocolate Flavored) is a trade name for a blend consisting of Powdered Soy Bean, Natural Brown Sugar, Cocoa, Brewer's Yeast, Wheat Embryo and West's Imported Sea Vegetation (Edible Sea Plants) with added Vitamins A, B–1, C and D," "West's Vi-Linn (Banana Flavored) is a trade name for a blend consisting of Soy Bean, Natural Brown Sugar, Powdered Banana, Blend of Comminuted Pecans, Almonds and Pignolia Nuts, Brewer's Yeast, Wheat Embryo and West's Imported Sea Vegetation (Edible Sea Plants) with added Vitamins A, B–1, C and D," "West's Sodeom is a trade name for a blend of West Imported Sea Vegetation (Edible Sea Plants)," "West's Sea Vegecene (Powder) Consists of West's Imported Sea Vegetation (Edible Sea Plants) selected primarily for their 'mucilaginous' content," "Mar-Glo Tablets is a trade name for a blend consisting of West's Imported Sea Vegetation (Edible Sea Plants) carefully blended with added Brewer's Yeast, also with added Vitamin B–1 (Thiamin Hydrochloride) and Calcium Pantothenate and Para-amino-Benzoic Acid," and "Organically Mineralized-Iodized West-Co Contains Coffee, Barley, Figs, Soya Bean, Bran Carefully blended with West's imported Sea Vegetation (Edible Sea Plants)."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use for the following diseases, symptoms, conditions, and purposes for which the articles were offered in their advertising disseminated and sponsored by and on behalf of their manufacturer or packer: (*Sea Vegetable Tablets*) Swollen limbs, noises in head and ears, angina pectoris, kidney conditions, heart pains, pressure in head, dizziness, and tiredness; (*Sodeom Vitaminized*) sciatica, skin rash, milk leg, bleeding gums, chronic arthritis, sclerosis, and colds; (*West-Aid*) nervousness; (*Sea-Vo-Kra*) high blood pressure, sour stomach, stomach ulcers, and colitis; (*D-X Tablets*) for diabetics and to reduce insulin in proportion to sugar reduction in urine; (*Ferrolene*) rheumatism, low blood pressure, anemia, thyroid, shortness of breath, numbness, liver conditions, poor circulation, and migraine headache; (*Kalseom*) hay fever, asthma, tubercular conditions, varicose veins, lead poisoning, and sinus; (*FYA Tablets*) abdominal spasm, poor memory, menopause, hot flashes, and painful menstruation; (*West-Lax*) purifying the blood, killing bacteria in the blood, and chronic constipation; (*Vi-Linn (Chocolate)*) and (*Vi-Linn (Banana)*) nerve conditions and goitre; (*Sodeom*) arthritis; (*Sea Vegecene*) ulcers, neuritis, arthritis, paralytic stroke, and syphilis; (*Mar-Glo Tablets*) gray hair and neuritis; and (*West-Co*) any hardening condition, angina pectoris, arteriosclerosis, and high blood pressure.

DISPOSITION: Mineralized Foods, Inc., claimant, having petitioned for the removal of the case to the United States District Court for the District of Columbia, an order was entered on July 23, 1946, directing such removal. Thereafter, without admitting the allegations of the libel, the claimant consented to the entry of a decree. On November 7, 1946, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

2010. Misbranding of various drug products. U. S. v. 9 Bottles of Calcium Pantothenate, etc. Decree of condemnation. Products ordered destroyed. (F. D. C. No. 14662. Sample Nos. 81261–F to 81270–F, incl., 81272–F.)

LIBEL FILED: On or about December 30, 1944, Western District of Missouri.

ALLEGED SHIPMENT: From Lynwood, Calif., by the Ryer Dietary Supplements Co., Inc. The products were shipped between the approximate dates of June

10 and December 18, 1944, and a number of booklets entitled "Vitamin Mineral and Glandular Therapy" were shipped on or about February 23, 1944.

PRODUCT: 9 90-tablet bottles of *calcium pantothenate*, 19 60-tablet bottles of *Hy-De Tablets*, 18 bottles, each containing 100 perles, of *vitamin E*, 17 60-capsule bottles of *extract of garlic*, 17 90-tablet bottles of *vitamin A & D*, 15 1-ounce bottles of *ferrous sulfate solution*, 14 180-tablet bottles of *kelp*, 13 300-tablet bottles of *Alfa-Yerba Tea*, 56 100-tablet bottles of *Improved B-Complex Tablets*, 16 90-tablet bottles of *Hy-C Tablets*, and 19 90-tablet bottles of *Sylix-Tron Tablets* at Kansas City, Mo., together with the above-named booklets.

LABEL, IN PART: "Calcium Pantothenate (Gray Hair Factor) * * * Four Tablets Contain: Calcium Pantothenate 6 mg. Vitamin B–1 400 I. U. Strained 'K' Yeast 20 Grains"; "Ferrous Sulphate Solution An astringent, Detergent, concentrate of Ferrous Sulphate. To be used as directed by a Specialist." The material portions of the labels of the other products are quoted in notice of judgment No. 2033.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying booklets were false and misleading since the articles would not be effective for the purposes claimed. These statements represented and suggested that the *ferrous sulfate solution* possessed detergent properties and that the *calcium pantothenate tablets* would be effective to restore the original color of gray hair, to increase the elasticity of fingernails, and to improve the skin. Further misbranding, Section 502 (f) (1), the labeling of the *ferrous sulfate solution* failed to bear adequate directions for use.

The nature of the misbranding of the other products is indicated in notice of judgment No. 2033, which reports prosecution of the shipper under Section 301 (a).

DISPOSITION: April 23, 1945. The Ryer Dietary Supplements Co., Inc., claimant, having filed its claim and answer, the case came on for hearing before the court. Judgment of condemnation was entered and it was ordered that the products be destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

2011. Action to restrain the interstate shipment of Hart's Compound Asthma Medicine. U. S. v. A. Thomas Hart (Hart's Swedish Asthma Medicine Co. and Hart's Asthma Medicine Co.). Permanent injunction granted. Defendant subsequently adjudged guilty of contempt, fined $200, and sentenced to 6 months in jail; jail sentence suspended and defendant placed on probation. (Inj. No. 61.)

COMPLAINT FILED: December 1, 1943, Western District of New York, against A. Thomas Hart, trading as the Hart's Swedish Asthma Medicine Co. and the Hart's Asthma Medicine Co., at Buffalo, N. Y. The complaint alleged that the defendant had been shipping in interstate commerce since April 22, 1941, quantities of the above-named drug which were adulterated.

NATURE OF CHARGE: Adulteration, Section 501 (a), the drug consisted in whole or in part of a filthy substance, namely, moldy medicine.

PRAYER OF COMPLAINT: That the defendant and his agents be perpetually enjoined from the commission of the acts complained of.

DISPOSITION: On December 1, 1943, an order was issued to the defendant to show cause why an injunction pendente lite should not be granted. On December 6, 1943, the defendant appeared but made no opposition to the granting of such injunction, and the court ordered that the injunction issue. On December 31, 1943, the defendant having failed to answer or otherwise plead to the complaint, an order was entered perpetually enjoining and restraining the defendant from the interstate shipment of *Hart's Compound Asthma Medicine* until such time as such product should comply with the law. The defendant was cited for contempt on April 24, 1944, for a violation of the injunction, and on May 8, 1944, the court ordered that the defendant return from the channels of interstate commerce the medicine which had been shipped in violation of the injunction, and that he cause its destruction. The defendant was again cited for contempt on August 21, 1945, and at the conclusion of the hearing on the matter on August 27, 1945, the court imposed against the defendant a fine

of $200 and a suspended sentence of 6 months in jail and placed him on probation.

2012. Adulteration of chamomile flowers. U. S. v. 4 Bags of Chamomile Flowers. Default decree of condemnation and destruction. (F. D. C. No. 20427. Sample No. 45940–H.)

LIBEL FILED: July 24, 1946, Northern District of California.

ALLEGED SHIPMENT. On or about June 6, 1946, by E. Meer and Co., Inc., from New York, N. Y.

PRODUCT: 4 50-pound bags of *chamomile flowers* at San Francisco, Calif.

LABEL, IN PART: "Hung Type Chamomile Flowers."

NATURE OF CHARGE: Adulteration, Section 501 (a), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, snail shells, and fragments of dirt.

DISPOSITION: October 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2013. Adulteration of Hood-Lax. U. S. v. 3 Packages of Hood-Lax. Default decree of condemnation and destruction. (F. D. C. No. 19993. Sample No. 6516–H.)

LIBEL FILED: June 5, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about January 31, 1946, by the Cal-Par Corporation, also known as the Hood Products Corporation, from New York, N. Y.

PRODUCT: 3 5-ounce packages of *Hood-Lax* at Jersey City, N. J.

LABEL, IN PART: "Hood-Lax Active Ingredients: Wheat Germ and Plantago."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 501 (a) (2), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The libel alleged also that another product, known as *Cal-Par*, was adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: October 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUG ACTIONABLE BECAUSE OF THE PRESENCE OF A NONCERTIFIED COAL-TAR COLOR

2014. Adulteration of Cornocide (corn treatment). U. S. v. 36 Cartons of Cornocide. Default decree of condemnation and destruction. (F. D. C. No. 20320. Sample No. 8580–H.)

LIBEL FILED: July 3, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 23, 1946, by the Denver Products Corporation, from Long Island City, N. Y.

PRODUCT: 36 cartons, each containing a bottle of liquid and several corn pads at Newark, N. J.

LABEL, IN PART: "Cornocide Liquid Corn Treatment."

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the bottle of liquid contained, for purposes of coloring only, the coal-tar colors, dimethyl-aminoazobenzene (Butter Yellow, Colour Index #19) and tolylazotolylazo beta-naphthol (Sudan IV, Colour Index #258), which had not been listed as harmless and suitable for use in drugs for purposes of coloring only, and they were other than ones from batches that had been certified in accordance with the regulations.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2015. Misbranding of Procon Tablets and Orimbo Tablets; adulteration and misbranding of Hi-Test Vegetable Compound. U. S. v. The Allied Pharmacal Company and Samuel A. Salzman. Pleas of guilty. Fine, $1,000 and costs against each defendant; fine against partnership suspended. (F. D. C. No. 20105. Sample Nos. 20253–H, 20255–H, 22454–H.)

INFORMATION FILED: August 1, 1946, Northern District of Ohio, against the Allied Pharmacal Company, a partnership, Cleveland, Ohio, and Samuel A. Salzman, a partner.

ALLEGED SHIPMENT: Between the approximate dates of October 25, 1944, and March 3, 1945, from the State of Ohio into the States of Kansas and Missouri.

PRODUCT: Analysis of the *Procon Tablets* showed that the article contained methenamine, potassium bicarbonate, and plant material, including alkaloid-bearing drugs, such as belladonna and nux vomica. Analysis of the *Orimbo Tablets* showed that the article contained glandular substances, nux vomica and phosphate. Analysis of the *Hi-Test Vegetable Compound* showed that the article contained little or no vitamin B_1.

LABEL, IN PART: "Procon Tablets * * * Distributed by Erie Laboratories Cleveland, Ohio," "Orimbo Tablets * * * Distributed by The Allied Pharmacal Co. Cleveland, Ohio, U. S. A." and "Hi-Test Vegetable Compound With Thiamin Chloride B–1 * * * Distributed by Hi-Test Pharmacal Co. Cleveland, Ohio."

NATURE OF CHARGE: *Procon Tablets*, misbranding, Section 502 (a), the name "Procon" and the label statements, "For the temporary relief of incontinence" and "If incontinence persists, consult your physician," were false and misleading. The name and the label statements represented and suggested that the article would be effective for the relief of incontinence. The article would not be effective for such purpose.

Orimbo Tablets, misbranding, Section 502 (a), the labeling of the article failed to reveal the fact that orchic substance is of no therapeutic value when taken by mouth, which fact was material in the light of the representations displayed upon the bottles of the article, "Orchic," "Orchic Substance . . . 0.05 gr." and "Dosage: 2 to 3 tablets."

Hi-Test Vegetable Compound, adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since it was represented to contain 250 units of vitamin B_1 to each ounce, but it contained little or no vitamin B_1. Misbranding, Section 502 (a), the following statements on the label were false and misleading: "Vegetable Compound with Thiamin Chloride B–1 * * * Active Ingredients Crystalline Vitamin B–1" and "Each ounce contains 250 units of B–1. The daily average dose of 3 tablespoonsful supply the full daily requirement of B–1." These statements represented and suggested that vitamin B_1 was an active ingredient of the article; that 250 units of vitamin B_1 were contained in each ounce of the article; and that 3 tablespoonsful of the article would supply the full daily requirement of vitamin B_1. Vitamin B_1 was not an active ingredient of the article, 250 units of vitamin B_1 was not contained in each ounce of the article, and 3 tablespoonsful of the article would not supply the full daily requirement of vitamin B_1, because the article contained little or no vitamin B_1.

DISPOSITION: October 22, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of $1.000, plus costs, against each defendant. The fine against the partnership defendant was suspended.

2016. Adulteration and misbranding of Syrup Tolu & Lobelia Compound, and Syrup Tolesol. U. S. v. The P. J. Noyes Co. Plea of nolo contendere. Fine, $200. (F. D. C. No. 20920. Sample Nos. 12459–H, 12784–H, 12790–H.)

INFORMATION FILED: September 26, 1946, District of New Hampshire, against the P. J. Noyes Co., a corporation, Lancaster, N. H.

ALLEGED SHIPMENT: On or about September 13, 1945, and February 4, 1946, from the State of New Hampshire into the States of Maine and Massachusetts.

LABEL, IN PART: "Syrup 3 Fl. Ozs. Tolu & Lobelia Compound With Morphine 5% Alcohol. Each Fluidounce Contains: Morphine Sulfate, 1–4 Gr.," or "Syrup 4 Fl. Ozs. Tolesol 5% Alcohol Each Fluidounce Contains: Morphine Sulfate, 1–4 Gr."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the products differed from that which they purported and were represented to possess, since each drug contained considerably less than ¼ grain of morphine sulfate in each fluid ounce.

Misbranding, Section 502 (a), the label statement, "Each Fluidounce Contains: Morphine Sulfate, 1–4 Gr.," was false and misleading.

DISPOSITION: October 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, a fine of $200 was imposed.

2017. Adulteration of sweet oil and misbranding of isopropyl alcohol compound. U. S. v. Pennex Products Co., Inc., and Martin Sachnoff. Pleas of nolo contendere. Fine of $100 and costs against corporate defendant; fine of $10 against individual defendant. (F. D. C. No. 20949. Sample Nos. 10061–H, 10385–H.)

INFORMATION FILED: October 16, 1946, Western District of Pennsylvania, against the Pennex Products Co., Inc., Pittsburgh, Pa., and Martin Sachnoff, secretary of the corporation.

ALLEGED SHIPMENT: On or about April 3 and October 11, 1945, from the State of Pennsylvania into the States of West Virginia and Ohio.

LABEL, IN PART: "Hospital Isopropyl Alcohol Compound," or "Pennex Brand Sweet Oil."

NATURE OF CHARGE: *Sweet Oil*, adulteration, Section 501 (b), the article purported to be and was represented as *sweet oil*, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from, and its quality and purity fell below, the official standard since it did not consist of the fixed oil obtained from the ripe fruit of *Olea europoea* Linné, as prescribed by the Pharmacopoeia, but did consist of cottonseed oil.

Isopropyl Alcohol Compound, misbranding, Section 502 (a), the label statement "Isopropyl Alcohol 70% by volume" was false and misleading since the article contained less than 70 percent of isopropyl alcohol by volume.

DISPOSITION: November 4, 1946. Pleas of nolo contendere having been entered, the court imposed a fine of $100 and costs against the corporate defendant and a fine of $10 against the individual defendant.

2018. Adulteration of Aciform II. U. S. v. 4 Vials and 6 Boxes of Aciform II. Default decree of condemnation and destruction. (F. D. C. No. 20103. Sample Nos. 45066–H, 45067–H.)

LIBEL FILED: June 12, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about March 18, 1946, by the Aciform Sales Corporation, from Chicago, Ill.

PRODUCT: 4 30-cc. vials, 4 boxes, each containing 12 1-cc. ampuls, and 2 boxes, each containing 12 2-cc. ampuls, of *Aciform II* at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported to possess, since it purported to be for intravenous use and contained undissolved material, whereas an article intended for intravenous use should be free from undissolved material.

DISPOSITION: July 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2019. Adulteration of dextrose and sodium chloride injection. U. S. v. 177 Flasks of Dextrose and Sodium Chloride Injection. Default decree of condemnation and destruction. (F. D. C. No. 21162. Sample No. 59927–H.)

LIBEL FILED: October 7, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 25, 1946, by Readyflask, Inc., from Cleveland, Ohio.

PRODUCT: 177 1-liter flasks of *dextrose and sodium chloride injection* at McKees Rocks, Pa. The United States Pharmacopoeia specifies that Injection Dextrose and Sodium Chloride, which the product purported to be, must conform to the official pyrogen test. Examination showed that the article failed to comply with this test since it contained pyrogens.

LABEL, IN PART: "Dextrose 5% w/v in Isotonic Solution of Sodium Chloride, U. S. P."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be *dextrose and sodium chloride injection*, a drug the name of which is recognized

in the United States Pharmacopoeia, an official compendium, but its purity and quality fell below the standard set forth therein.

DISPOSITION: December 2, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2020. Adulteration of calcium levulinate. U. S. v. 153 Vials of Calcium Levulinate. Default decree of condemnation and destruction. (F. D. C. No. 20994. Sample No. 30695-H.)

LIBEL FILED: September 18, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about June 24, 1946, by the Vitamin-Endocrine Co., from Los Angeles, Calif.

PRODUCT: 153 vials of *calcium levulinate* at Phoenix, Ariz.

LABEL, IN PART: "100 cc Vial Sterile Solution * * * Calcium Levulinate 13½% For Intravenous Use."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess, i. e., "Solution * * * Calcium Levulinate * * * For Intravenous Use." The article contained undissolved material, whereas an article which is represented for intravenous use should be free from undissolved material.

DISPOSITION: November 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2021. Adulteration and misbranding of estrogenic hormones. U. S. v. 262 Vials of Estrogenic Hormones. Default decree of condemnation and destruction. (F. D. C. No. 20631. Sample No. 52460-H.)

LIBEL FILED: August 9, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 29, 1946, by Organics, Inc., from Chicago, Ill.

PRODUCT: 262 vials of *estrogenic hormones* at Dayton, Ohio.

LABEL, IN PART: "Natural Estrogenic Hormones Isolated From Gravid Equine Urine Consisting Principally of Estrone, Equilin, Equilenin and Beta-Estradiol With Small Quantities of Naturally Occuring Alpha-Estradiol in Corn Oil, 10,000 I. U. Per CC."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., 10,000 International Units per cubic centimenter.

Misbranding, Section 502 (a), the label statement "10,000 I. U. per cc." was false and misleading as applied to an article the potency of which was substantially less than 10,000 International Units of estrone per cubic centimeter.

DISPOSITION: September 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2022. Adulteration and misbranding of estrogenic substance. U. S. v. 1 Glass Jug of Natural Whole Estrogenic Substance. Default decree of condemnation and destruction. (F. D. C. No. 20425. Sample No. 45060-H.)

LIBEL FILED: July 23, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about April 17, 1946, by the Intramed Co., Inc., from New York, N. Y.

PRODUCT: 1 glass jug containing about 2 liters of *estrogenic substance* at Los Angeles, Calif.

LABEL, IN PART: "Natural Whole Estrogenic Substance in Sesame Oil."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., 20,000 International Units of estrone per cubic centimeter; and, Section 501 (b) (2), a substance, estrogenic material, different from that occurring in gravid mares' urine had been substituted in whole or in part for natural whole estrogenic substance consisting principally of estrone and such other auxiliary hormones as are normally present in gravid mares' urine, which the article was represented to be.

Misbranding, Section 502 (a), the label statements, "Natural Whole Estrogenic Substance * * * Consisting principally of estrone and such other auxiliary hormones as are normally present in gravid mares' urine. Each 1 cc. is equivalent to 20,000 I. U. rated as Estrone," were false and misleading since the estrogenic material present did not consist of estrogens as they occur in and

are extracted from gravid mares' urine, and the potency of the article was greater than 20,000 International Units of estrone per cubic centimeter.

DISPOSITION: September 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2023. Adulteration and misbranding of Gynestrol Natural Estrogenic Substance. U. S. v. 20 Bottles of Gynestrol Natural Estrogenic Substance (and 3 seizure actions against other lots of the same product). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 18674, 18833, 18896, 19207. Sample Nos. 4380–H, 4381–H, 4394–H to 4398–H, incl., 4400–H, 5401–H to 5403–H, incl., 23365–H, 60020–H.)

LIBELS FILED: December 17, 1945, and January 11, February 12, and March 25, 1946, Eastern District of Pennsylvania, Eastern District of Missouri, and Western District of New York. The libels filed in the Eastern District of Pennsylvania were amended October 1, 1946.

ALLEGED SHIPMENT: Between the approximate dates of September 20, 1943, and November 27, 1945, by S. B. Penick and Co., from New York, N. Y., and Passaic, N. J.

PRODUCT: *Gynestrol Natural Estrogenic Substance.* 20 2,000-cc. bottles and 235.128 liters at Philadelphia, Pa.; 9 2,000-cc. bottles at St. Louis, Mo.; and 56 30-cc. vials and 197 10-cc. vials at Buffalo, N. Y., which had been repacked by the consignee from a shipment of 3 2,000-cc. bottles.

NATURE OF CHARGE: (Portions) Adulteration, Section 501 (d), a solution of estrogenic substances not composed of estrogens as they occur in and are abstracted from mares' pregnancy urine had been substituted in whole or in part for a solution of estrogenic substances derived from mares' pregnancy urine.

(Portions) Misbranding, Section 502 (a), the statements displayed on the bottles, "Natural Estrogenic Substance * * * Derived from mares' pregnancy urine," were false and misleading since the estrogenic material present in the article did not consist of estrogens as they occur in and are extracted from mares' pregnancy urine.

DISPOSITION: March 29, May 23, and October 1, 1946. The Pennsylvania lots having been consolidated on motion of S. B. Penick and Co., claimant, and the Blue Line Chemical Co., St. Louis, Mo., having appeared as claimant for the Missouri lot, judgments of condemnation were entered and the claimed portion of the product was ordered released under bond for relabeling. No claimant having appeared for the New York lot, judgment of condemnation was entered and this lot was ordered destroyed.

2024. Adulteration of Pluri-B. U. S. v. 34 Vials of Pluri-B. Default decree of condemnation and destruction. (F. D. C. No. 20995. Sample No. 30694–H.)

LIBEL FILED: September 18, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about June 18, 1946, by Pasadena Research Laboratories, from Pasadena, Calif.

PRODUCT: 34 vials of *Pluri-B* at Phoenix, Ariz.

LABEL, IN PART: "30 cc. Sterile Solution No. 256 Pluri-B (Some factors of the B Complex) For Intramuscular or Intravenous Use."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the product fell below that which it purported and was represented to possess, i. e., "Solution Pluri-B * * * For Intramuscular or Intravenous Use." The article contained undissolved material, whereas an article which is represented for intramuscular and intravenous use should be free from undissolved material.

DISPOSITION: November 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, with the exception of 12 vials which were ordered delivered to the Food and Drug Administration.

2025. Adulteration of epinephrine. U. S. v. 77 Tubes of Epinephrine. Default decree of condemnation and destruction. (F. D. C. No. 20554. Sample No. 63945–H.)

LIBEL FILED: July 23, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about June 10, 1946, by Wyeth, Inc., from Philadelphia, Pa.

PRODUCT: 77 tubes of *epinephrine hydrochloride* at Jersey City, N. J. The article consisted of a small tube containing epinephrine intended for insertion into a hypodermic syringe for injection purposes. Examination showed that the article was contaminated with undissolved material.

LABEL, IN PART: "1 cc. Size Epinephrine 1:1000."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be a drug "Epinephrine Hydrochloride Injection," the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth therein.

DISPOSITION: September 23, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2026. Adulteration and misbranding of Pyo-Gon. U. S. v. 45 Bottles of Pyo-Gon. Default decree of destruction. (F. D. C. No. 21004. Sample No. 25767–H.)

LIBEL FILED: September 19, 1946, District of Utah.

ALLEGED SHIPMENT: On or about May 16, 1946, by Fred M. Potts and Co., from Los Angeles, Calif.

PRODUCT: 45 pint bottles of *Pyo-Gon* at Salt Lake City, Utah. Examination showed that the product possessed no significant antiseptic properties. The product contained free phenol and less than 1/28 of 1 percent of iodophenol.

LABEL, IN PART: "Pyo-Gon Iodophenols No Free Phenol or Iodine * * * Analgesic Antiseptic Non-irritating Non-toxic."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength and quality of the product differed from that which it purported and was represented to possess, i. e., "antiseptic," since the product was not an antiseptic.

Misbranding, Section 502 (a), the label statements, "Iodophenols No Free Phenol * * * Antiseptic," were false and misleading since the product contained no substantial portion of iodophenol, but did contain free phenol, and possessed no significant antiseptic properties. Further misbranding, Section 502 (a), the label designation "Pyo-Gon" was false and misleading since it represented and suggested that the article would be effective in overcoming conditions characterized by the presence of pus, whereas the article would not be effective for such purpose.

DISPOSITION: November 9, 1946. No claimant having appeared, judgment was entered and the product was ordered destroyed.

2027. Adulteration and misbranding of Old Hickory Ointment. U. S. v. 35 Jars and 203 Jars of Old Hickory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 20597. Sample Nos. 48896–H, 48897–H.)

LIBEL FILED: August 1, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: On or about April 9 and June 3, 1946, by the Old Hickory Medicine Co., from Chattanooga, Tenn.

PRODUCT: 35 1¼-ounce jars and 203 ½-ounce jars of *Old Hickory Ointment* at Birmingham, Ala. Examination showed that the product consisted essentially of zinc oxide, salicylic acid, calomel, carbolic acid, camphor, and menthol in a petrolatum base. It contained materially less than 1.56 percent of calomel, the amount declared on the label.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., "Calomel (A derivative of mercury) 1.56%."

Misbranding, Section 502 (a), the label statements on the jars, "Acne, Barber's Itch, Tetter * * * Eczema, Scabies * * * Psoriasis * * * Poison Ivy, Poison Oak," and the label statement on the carton of the half-ounce jars, "For the relief of many kinds of skin diseases," were false and misleading since the article would not be effective in treatment of those conditions.

DISPOSITION: September 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2028. Adulteration and misbranding of adhesive absorbent compress. U. S. v. 274 Boxes of Justrite Dressing and 218 Boxes of Adhesive Justrite Patchettes. Default decree of condemnation and destruction. (F. D. C. No. 20544. Sample No. 63574–H, 63575–H.)

LIBEL FILED: July 17, 1946, Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of April 16 and May 16, 1946, by D. C. McLintock, Paterson, N. J.

PRODUCT: 274 boxes of *Justrite Dressing* and 218 boxes of *Adhesive Justrite Patchettes* at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (b), the product purported to be "Adhesive Absorbent Gauze [Adhesive Absorbent Compress]," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not sterile.

Misbranding, Section 502 (b) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (g), it was not packaged as prescribed by the United States Pharmacopoeia, since it was not packaged in such manner that sterility was maintained.

DISPOSITION: October 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2029. Adulteration of absorbent cotton. U. S. v. 246 Cartons of Absorbent Cotton. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 20984. Sample No. 43050–H.)

LIBEL FILED: September 12, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about August 1, 1946, by the Acme Cotton Products Co., from Dayville, Conn.

PRODUCT: 246 cartons, each containing 50 1-pound packages, of *absorbent cotton* at Washington, D. C.

LABEL, IN PART: "U. S. P. Sixteen Ounce Sterilized Absorbent Cotton."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Absorbent Cotton," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality fell below the official standard since it had not been freed from adhering impurities as required by the standard, but contained considerable amounts of particles of cottonseed hulls and boll.

DISPOSITION: December 2, 1946. The Acme Cotton Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reprocessing under the supervision of the Food and Drug Administration.

2030. Adulteration and misbranding of prophylactics. U. S. v. 45 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C No. 19963. Sample No. 54513–H.)

LIBEL FILED: May 31, 1946, Western District of South Carolina.

ALLEGED SHIPMENT: Shipper and date of shipment unknown.

PRODUCT: 45 gross of *prophylactics* at Anderson, S. C.

LABEL, IN PART: "X Cello's Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the product fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement "prophylactics" was false and misleading since the product contained holes.

DISPOSITION: July 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2031. Misbranding of Testavins Tablets, Testox Tablets, and Glando-Plex Tablets. U. S. v. Veltex Co. and Irving Zulie Harris. Pleas of guilty. Fine, $250 and costs. (F. D. C. No. 20157. Sample Nos. 455–H, 456–H, 22966–H, 23606–H.)

INFORMATION FILED: August 16, 1946, Northern District of Alabama, against the Veltex Co., a partnership, Birmingham, Ala., and Irving Zulie Harris, a member of the firm.

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*See also Nos. 2001, 2004, 2007, 2008, 2010, 2015–2017, 2021–2023, 2026, 2027, 2030.

ALLEGED SHIPMENT: Between the approximate dates of March 15 and May 10, 1945, from the State of Alabama into the States of Georgia, Missouri, and Texas.

PRODUCT: These products were substantially of the same composition. They contained approximately 666 U. S. P. units of Vitamin B_1, 0.0005 gram of yohimbin hydrochloride, 0.05 gram of orchic substance, 0.15 gram of calcium glycerophosphate, 0.15 gram of sodium glycerophosphate, and 0.03 gram of nux vomica, per tablet. Nux vomica is a strychnine-bearing drug.

LABEL, IN PART: "Testavins * * * Tablets * * * Distributed by Vitamin Park * * * New York City," "Testox * * * Tablets * * * Distributed by Copy Boy Sales Co. * * * Atlanta 3 Ga.," and "Glando-Plex * * * Tablets * * * Distributed by Vigo Vitamin Co. San Antonio, Texas."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the labeling of the articles were misleading since they failed to reveal the fact that orchic substance is of no therapeutic value when taken by mouth, which fact is material in the light of the label statements, "Each Tablet Contains Orchic Substance 0.05 Gram" and "Directions—Take 2 to 3 Tablets"; Section 502 (e) (2), the labels failed to bear the name and quantity or the proportion of the strychnine contained in the articles; and, Section 502 (a), the label statements, "Testavins * * * Indicated in Functional Impotence of Neurasthenic Origin * * * Take 2 to 3 Tablets depending upon age and severity of case," "Testox [or "Glando-Plex"] * * * Directions—Take 2 to 3 Tablets depending upon age and severity of case * * * When desired effect is reached discontinue use," were false and misleading. The names of the articles and the statements quoted above, represented and suggested that the "Testavins" would be efficacious in the treatment of functional sexual impotence of neurasthenic origin, and that the "Testox" and "Glando-Plex" would be efficacious in the treatment of sexual impotence. The articles would not be efficacious for the purposes so represented and suggested.

DISPOSITION: August 19, 1946. Pleas of guilty having been entered, the defendants were fined $250 and costs.

2032. Misbranding of estrogenic hormone. U. S. v. U. S. Standard Products Co. Plea of nolo contendere. Fine, $300. (F. D. C. No. 17880. Sample Nos. 16266–H, 17512–H.)

INFORMATION FILED: June 17, 1946, Eastern District of Wisconsin, against the U. S. Standard Products Co., a corporation, Woodworth, Wis.

ALLEGED SHIPMENT: On or about February 2 and June 19, 1945, from the State of Wisconsin into the State of Illinois.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Estrogenic substances principally estrone and estradiol" and "Isolated from gravid mare's urine," were false and misleading. The statements represented and suggested that the estrogenic material present in the article was estrogenic substance as it naturally occurs in and is extracted from gravid mare's urine. Estrogenic substance as it naturally occurs in and is extracted from gravid mare's urine consists principally of estrone, whereas the estrogenic substance present in the article consisted principally of substances other than estrone.

DISPOSITION: November 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $300.

2033. Misbranding of Hy-De Tablets, Vitamin E Perles, Garlic Capsules, Vitamin A & D Tablets, Kelp Tablets, Alfa-Yerba Tea Tablets, Improved B Complex Tablets, Hy–C Tablets, No. 5 Glanzyme Tablets, and Sylix-Tron Tablets. U. S. v. Ryer Dietary Supplements Co., Inc. Plea of nolo contendere. Fine, $100 on count 1; sentence suspended on the other counts. (F. D. C. No. 16581. Sample Nos. 81262–F to 81265–F, incl., 81267–F, 81269–F to 81272–F, incl.)

INFORMATION FILED: February 15, 1946, Southern District of California, against the Ryer Dietary Supplements Co., Inc., Lynwood, Calif.

ALLEGED SHIPMENT: From the State of California into the State of Missouri. The product was shipped between the approximate dates of June 10 and October 24, 1944, and a number of booklets entitled "Vitamin, Mineral and Glandular Therapy" were shipped on or about February 23, 1944.

LABEL, IN PART: "Hy-De * * * Eight Tablets Supply: Vitamin D (from Irradiated Yeast, fortified with Ergosterol) . . . 200,000 I. U. Vitamin A (Fish Liver Oil) . . . 8,000 I. U." "Vitamin E Wheat Germ Oil * * * Three Perles Contain: Vitamin E (Alpha Tocopherol) . . . 2.4 Mg."; Extract of Garlic * * * Contains: Extract of Garlic, Cold Pressed Wheat Germ Oil, True Oil of Celery, Imported Olive Oil, and Soybean Oil"; "Vitamin A & D * * * Each Tablet Contains: Vitamin A from fish liver oil—5000 I. U. Vitamin D from fish liver oil—500 I. U. Excipients (q. s.) as follows: Alfalfa, Parsley, Kelp, Yeast, Dicalcium, Phosphate, Coating of Sugar, Gum, Lactose, Certified Colors"; "Kelp Tablets * * * Made from Dehydrated kelp."; "Alfa-Yerba Tea * * * Contains Alfalfa and Yerba Mate"; "Improved B Complex * * * Four Tablets Contain B–1 (Thiamine) . . . 4,000 I. U. B–2 (G) (Riboflavin) . . . 2.67 Mg. B–6 . . . .20 Mg. Pantothenic Acid . . . 4.0 Mg. Niacin . . . 13.33 Mg. Excipient: Calcium Pyrophosphate 12 Gr."; "Hy-C * * * Each Tablet Contains: Vitamin C (Ascorbic Acid) . . . 2,000 I. U. Lemon Concentrate (Catalyzer) . . . 4 Gr."; "No. 5 Glanzyme * * * Each Tablet Contains: Liver Concentrate (30 to 1) . . . 1 grain Pancretin . . . 1 grain Duodenum . . . 1 grain Adrenal Cortex . . . ⅛ grain Bile Salts . . . 2½ grain Papain (Papaya Enzyme) . . . ½ grain Dehydrocholic Acid . . . ½ grain Vitamin B–1 . . . 100 I. U."; "Sylix-Tron * * * Four Tablets Contain: Stomach Substance Concentrate 8 Gr. Liver Extract 20: 1 Concentrate 4 Gr. Vitamin B–1 (Thiamine) . . . 800 I. U. Yeast Specially Selected . . . 8 Gr. Iron (Sulfate) . . . 13.36 Mg."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying booklets, relating to the articles were false and misleading since the articles would not be effective for the purposes claimed. The false and misleading statements regarding the products were to the following effect:

That the *Hy-De Tablets* would be effective in the treatment of gallstones, and that they would be effective to assure proper calcium assimilation.

That the *Vitamin E Perles* would be effective in the treatment of amenorrhea, dermatitis, dysmenorrhea, dementia, impotency, leucorrhea, low mental development, menopause, muscular atrophy, sterility, sexual apathy, testicular degeneration, and uterine tumors.

That the *Garlic Capsules* would be effective as an internal antiseptic, would stimulate leukocytosis, and would be effective in the treatment of asthma, bronchitis, whooping cough, diphtheria, hypertension, infections, tuberculosis, and bronchial and nasal ailments.

That the *Vitamin A & D Tablets* would be effective in the treatment of infections, defective vision, diseases of the eyes, ears, throat, and lungs, low blood hemoglobin, anemia, nervous disorders, loss of weight, low vitality, general weakness, respiratory infections, nasal infections, acne, asthma, boils, Bright's Disease, catarrh, colds, chronic diarrhea, ulcerative colitis, cystitis, corneal ulcers, poor dentine, decreased vigor, dry itchy skin, poor digestion, dry mouth, eye infections, hay fever, influenza, jaundice, kidney stones, lymph node infections, lingual abscesses, liver involvement, muscular incoordination, poor ovulation, pus formation, poor resistance, sinusitis, diminished sex urge, trench mouth, testicular degeneration, and thyroid atrophy.

That the *Kelp Tablets* would be effective in the treatment of aphonia, difficult swallowing, eye troubles, facial edema, insomnia, abnormal sexual activity, loss of weight, moist skin, nervousness, persistent hoarseness, restlessness, shortness of breath, tremor, toxicosis, impaired respiratory functions, disturbed thyroid activity, poor digestion and poor assimilation of fatty foods, and disturbed ovarian function.

That the *Alfa-Yerba Tea Tablets* would be effective in the treatment of Bright's disease, kidney inflammation, nephritis, restless sleep, excessive uric acid, and urinary flush.

That the *Improved B Complex Tablets* would be effective as a tonic to the endocrine glands, and would be effective in the treatment of neuralgia, colitis, poor assimilation, digestive disturbances, retardation of lactation, alcoholism, ameba, anemia, asthma, colon disease, chronic diarrhea, cardiac disorders, dyspnea, dry scaly skin, emaciation, glossitis, goitre, gastritis, hives, hypertrophy, hyperglycemia, intestinal disorders, indigestion, intestinal stasis, muscular cramps, malnutrition, muscular tone loss, nervousness, numbness of limbs, pernicious anemia, prolapsis, retarded growth, skin disorders, stomatitis, shingles, and sexual apathy.

That the *Hy-C Tablets* would be effective in the treatment of angina pectoris, abscess of bone, bone marrow degeneration, low blood pressure, bleeding spongy gums, tendency to bruise easily, cataract, duodenal ulcers, decaying teeth, edema, hypoadrenia, hyperchlorhydria, habitual abortion, joint pains, loose teeth, low vitality, loss of weight, low hemoglobin, leg ulcers, ovarian pain, pyorrhea, poor capillary tone, poor calcium fixation, puerperal hemorrhage, pallor, rheumatic pains, rapid respiration, tachycardia, thyroid hypertrophy, tendency to fracture, trench mouth, reduced secretions of the adrenals, peptic ulcers, irregular cardiac action, rapid heart beat, weakening of capillary walls, degeneration of cord and peripheral nerves, subcutaneous hemorrhages, pale complexion, skin lesions, hypertrophy of adrenals, hypertrophy of liver, hemorrhage, degenerative changes in intestinal epithelium and villi, and gastric ulcer due to hyperchlorhydria.

That the *No. 5 Glanzyme Tablets* would be effective in the treatment of indigestion, constipation, colitis, hypertension, kidney and bladder diseases, rheumatism, cardiac disorders, nerve degeneration, skin disorders, and all other conditions resulting from improper digestion and improper elimination.

That the *Sylix-Tron Tablets* would be effective in the treatment of anemia, decreased vigor, hives, hyperalgesia, lack of resistance, low vitality, loss of weight, low blood pressure, malnutrition, poor capillary tone, and weakening body tissues, and would be effective to hasten convalescence, aid digestion, stimulate the appetite, promote the normal functions of the gastro-intestinal tract, maintain normal blood, and promote growth.

DISPOSITION: March 18, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $100 on count 1 relating to the *Hy-De Tablets*. Sentence was suspended on the other 9 counts for a period of 2 years, conditioned that the defendant would not again violate the Federal Food, Drug, and Cosmetic Act.

2034. Misbranding of Goosgrease Sav. U. S. v. 1,097 Jars of Goosgrease Sav. Default decree of condemnation and destruction. (F. D. C. No. 20743. Sample No. 57501-H.)

LIBEL FILED: August 23, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 22, 1944, by the McCree Products Co., from Chicago, Ill.

PRODUCT: 1,097 jars of *Goosgrease Sav* at Roxbury, Mass. Examination showed that the product consisted essentially of volatile oils including camphor, menthol, eucalyptol, thymol, and methyl salicylate in a base consisting of petrolatum with a small proportion of fat such as goose grease.

LABEL, IN PART: "Mother McCree's Goosgrease Sav."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in accompanying circulars were false and misleading since they represented and suggested that the article would be effective for immediate relief in the treatment of bronchitis, whooping cough, croup, colds of all kinds, influenza, congested conditions, grippe, hoarseness, neuralgia, chilblains, and stiff neck; that it was effective as a remedy for sore throat; and that it was the best cold remedy. The article would not be effective for the purposes claimed, and it was not the best cold remedy.

Further misbranding, Section 502 (a), the name "Goosgrease Sav" was misleading as applied to an article containing therapeutically active ingredients other than goose grease; Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient.

DISPOSITION: September 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2035. Misbranding of Luebert's remedies. U. S. v. 3 Cartons of Luebert's Iron Tonic Compound Tablets, 30 Cartons of Luebert's Nox'em Brand Tablets, and 99 Cartons of Luebert's Ka-No-Mor Capsules. Default decree of condemnation and destruction. (F. D. C. No. 20736. Sample Nos. 4640-H, 65503-H, 65504-H.)

LIBEL FILED: August 22, 1946, District of Delaware.

ALLEGED SHIPMENT: Between the approximate dates of February 1 and April 2, 1946, by A. G. Luebert, P. D., from Coatesville, Pa.

PRODUCT: 3 100-tablet cartons of *Luebert's Iron Tonic Compound Tablets*, 21 60¢-size cartons and 9 $1.20-size cartons of *Luebert's Nox'em Brand Tablets*, and 57 30¢-size cartons and 42 60¢-size cartons of *Luebert's Ka-No-Mor Capsules*, at Wilmington, Del. Examination showed that the *Iron Tonic Compound Tablets* consisted essentially of ferrous carbonate (approximately 1 grain per tablet), manganese, a phosphide, and a laxative plant drug; that the *Nox'em Brand Tablets* consisted essentially of sodium salicylate, caffeine, and a laxative plant drug; and that the *Ka-No-Mor Capsules* consisted essentially of acetphenetidin, aspirin, and caffeine.

NATURE OF CHARGE: *Iron Tonic Compound Tablets*, misbranding, Section 502 (a), certain statements on the label of the article and in a circular enclosed with the article were false and misleading since they represented and suggested that the article would be efficacious for those conditions which call for an effective tonic, such as loss of appetite and simple anemia; that the article would assist nutritive functions, thereby promoting the activity and nutrition of nerves and muscles; that it would act as a general tonic to the digestive tract; that it would produce rich red blood, good health, strong nerves, normal vitality, and new vim and vigor; that it would give more strength and vigor to the entire system; that it was an iron tonic, and was valuable in helping the nervous system when phosphorus was deficient. The article would not be effective in accomplishing the effects represented, and when used as directed it would not supply sufficient iron to be an iron tonic.

Nox'em Brand Tablets, misbranding, Section 502 (a), certain statements on the label of the article and in the circular enclosed with the article were false and misleading since they represented and suggested that the article would be effective in the relief of rheumatic pains, neuralgia, and gout. The article would not be effective in accomplishing those effects.

Ka-No-Mor Capsules, misbranding, Section 502 (a), certain statements on the label of the article and in a circular enclosed with the article were false and misleading since they represented and suggested that the article would be effective in the relief of head cold, fever and ague, irritated sore throat, neuralgia, common colds, and rheumatic pains. The article would not be effective for such purposes. Further misbranding, Section 502 (e) (2), the label of the article failed to bear the common or usual name, aspirin, for one of the active ingredients, "acetosalicylic acid."

DISPOSITION: September 11, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2036. Misbranding of radioactive preparations and appliances. U. S. v. 10 Packages of "DeRays" Radium-Active Emanation Bath, 8 Bottles of Chloradium Ophthalmic Ointment, 2 Boxes of Radium Appliance, 16 Bottles of Internal Chloradium Solution, 1 Tube of Chloradium Vaginal Jelly, 2 Boxes of Chloradium Suppositories, 4 Radium Vitalizer Generators, 2 Jars of Narada Ointment, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 19411. Sample Nos. 41710–H to 41712–H, incl., 41714–H to 41718–H, incl., 41741–H.)

LIBEL FILED: On or about March 12, 1946, Southern District of West Virginia.

ALLEGED SHIPMENT: By the Denver Radium Service, from Denver, Colo. The products were shipped between the approximate dates of February 19, 1945, and January 22, 1946, and the printed matter was shipped during the year 1945.

PRODUCT: The above-named products at Charleston, W. Va., together with a number of booklets and leaflets entitled "Radium Therapeutics," "The Radium-active Vitalizer," "Radium Emanation Preparations * * * Price List," "Therapeutic Use Radium Emanation Preparations," "D. R. S. Radium Appliances," "D. R. S. Radium Ointment," "Reprinted from the Rocky Mountain Druggist."

These products consisted of preparations containing small proportions of radioactive substances, and devices which produced small amounts of radium emanations.

LABEL, IN PART: "'DeRays' Radium-Active Emanation Bath * * * Epsom Salt–Radium Chloride 1 microgram"; "Chloradium Ophthalmic Solution * * * Radium Chloride Ephedrine ¼%"; "Radium Appliance * * * Approx 25 MCGMS"; "Internal Chloradium Solution * * * Approximately 10 micrograms Radium (chloride 99%)"; "Chloradium Vaginal Jelly * * * Quinine Hydrochloride–Lactic Acid–Boric Acid–Tanic Acid–Resorcinol–Radium Chloride"; "Chloradium Suppositories Vaginal * * * Boric Acid, Lactic

Acid, Resorcinol, Tanic Acid, Salicytic Acid, Glycerin"; (Certificate wrapped around *Radium Vitalizer Generator*) "The amount of Radon delivered from this Generator has been calculated by radioscopic and electroscopic tests. The equilibrium gas accumulation is estimated on an average gallon basis and approximates 5.7x10–5 MC Cu. Ra. per liter. after 24 hours"; and "Narada Ointment * * * Menthol–Camphor–Eucalyptol–Radium Chloride."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying booklets and leaflets, relating to the articles were false and misleading since the articles would not be effective for the purposes claimed. The false and misleading statements regarding the products were to the following effect:

That the *Radium-Active Emanation Bath* would be effective in the treatment of arthritis, rheumatism, lumbago, neuritis, gout, nervous troubles, noninfectious skin diseases, high blood pressure, kidney, liver, and bladder complications, neurasthenia, insomnia, and eczema.

That the *Chloradium Ophthalmic Solution* would be effective in the treatment of eye irritations, granulated lids, eyes subject to unusual strain, cataract and other eye affections where vision is not involved, bronchial asthma, and hay fever and similar maladies.

That the *Radium Appliance* would be effective in the treatment of dysmenorrhea, pain incident to menstrual periods, neuritis, lumbago, neuralgia, headache, climacteric complaints, pain due to inflammation, burns and wounds, insomnia, neuritic pains, and pains due to congestion.

That the *Internal Chloradium Solution* would be effective in the treatment of rheumatism, neuritis, cystitis, sciatica, insomnia, high blood pressure, vaginitis, cervicitis, chronic hypertrophic endometritis, metritis and pelvic congestions, arthritis, anemia, and neurasthenia and nervous disorders.

That the *Chloradium Vaginal Jelly* would be effective in the treatment of the female organs.

That the *Chloradium Suppositories* would be effective in the treatment of vaginal, cervical, and rectal disorders, inflammations, ulcerations, exudations and infections of the vaginal tract, metrorrhagia, leucorrhea, vaginitis, cervicitis, disease of the vaginal tract, ovarian and uterian derangement, uterine fibroids, amenorrhea, dysmenorrhea, vaginal irritations and discharge, and menopause.

That the *Radium Vitalizer Generator* would be effective in the treatment of rheumatism, rheumatoid arthritis, gout, arteriosclerosis, nephritis, diabetes, constipation, locomotor ataxia, anemia, arthritis deformans, diseases of the heart, arteries, and kidneys, neuralgia, Bright's disease, chlorosis, and interstitial nephritis.

That the *Narada Ointment* would be effective in the treatment of burns, open sores, wounds, inflamed surfaces, rheumatic pains, lumbago, neuralgic pains, noninfectious skin diseases, throat and bronchial affections, chronic or acute inflammations, catarrh, hemorrhoids, eczema, oak and ivy poisoning, boils, skin eruptions, and chest affections.

DISPOSITION: April 9, 1946. No claimant having appeared, judgment of condemnation was entered and the products and printed matter were ordered destroyed.

2037. Misbranding of McCall's Desert-Air Lamps. U. S. v. 86 McCall's Desert-Air Lamps, together with quantities of printed matter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 20708. Sample No. 59456–H.)

LIBEL FILED: August 16, 1946. Western District of Washington.

ALLEGED SHIPMENT: By McCall's Desert-Air Lamp, from Los Angeles, Calif. The devices were shipped on various dates during January and February 1946, and a number of booklets and cards were shipped on or about November 1945, and May 1946.

PRODUCT: 86 *McCall's Desert-Air Lamps* at Seattle, Wash., together with attached tags entitled "McCall's Desert Air Lamp Does These Things to Help Your Baby," and a number of booklets and cards entitled "McCall's Desert-Air Lamps." Examination of the device showed that it consisted of a stand holding a parabolic reflector with a central core electric heating unit mounted at the center of the reflector.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the tags affixed to the device and in the accompanying booklets and cards were false and misleading since they represented and suggested that the device would be effective to loosen and stop baby's cough and make him sleep better and sleep all night; that it would aid in drying of sinus drippings which cause coughing, periodic spells of nausea, and the throwing up of mucus; that it would be effective in the treatment of colds, cough, bronchitis, asthma, laryngitis, chronic conditions of head, throat and chest, other respiratory ailments, whooping cough, croup, and coughing after measles; that it would be effective to restore mouth breathers to nose breathers, thereby stopping snoring, wheezing, and rattling; that it would overcome anoxia and anoxemia; that it would clear the breathing passages of sticky mucus, phlegm, and cellular matter; that it would dry up the mucus membranes of the head, throat, and chest, and promote easier breathing and sounder sleep; that it would be of value in tuberculosis to minimize coughing; that it would make the raising of phlegm easy and lessen the likelihood of hemorrhage; that it would prevent intestinal cholic in tuberculosis of the intestines; and that it would relieve body aches and pains, neuritis, neuralgia, arthritis, bursitis, sacro-iliac pain, and muscle spasm. The device would not be effective for such purposes.

DISPOSITION: October 30, 1946. Charles L. Doheney and James K. Heffernan, doing business as the Charles Doheney Co., having appeared as claimants and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

2038. Misbranding of Sun-Kraft Health Lamps. U. S. v. 941 Sun-Kraft Health Lamps, and a quantity of printed matter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 18705. Sample No. 4387-H.)

LIBEL FILED: December 28, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 28 and October 23, 1945, by Sun Kraft, Inc., from Chicago, Ill.

PRODUCT: 941 *Sun-Kraft Health Lamps* at Philadelphia, Pa.; also a number of leaflets entitled "Sun-Kraft Cold Quartz Ultraviolet Ray Therapy Lamp," a number of sales manuals entitled "Sun-Kraft Ultra Violet Generator," and a number of display cards entitled "Sun-Kraft Quartz Ultraviolet Ray Therapy Lamps." Attached to each lamp was an envelope containing an additional copy of the leaflet and a booklet entitled "How to Use Your Sun-Kraft."

Examination showed that the device consisted of a cold quartz type lamp mounted on a metal base which would emit ultraviolet radiations of a comparatively low intensity.

LABEL, IN PART: "Sun-Kraft Mercury Quartz Ultra Violet Health Lamp."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and designs appearing in the labeling were false and misleading since they represented and suggested that the device would be efficacious in the treatment of acne vulgaris, alopecia areata, anemia, angina pectoris, arithritis, asthma, birth marks (port wine), bronchial asthma, burns (X-ray), chilblains, cuts, eczema (dry or weeping), ecthyma, erysipelas, fractures, frost bite, high blood pressure, impetigo, loss of hair (following severe infections), lupus vulgaris, low metabolism, pityriasis rosea, polyarthritis, pruritus, psoriasis, pyodermia, rickets, sinus, tuberculosis of the skin, ulcers, varicose ulcer, "vascykar" nevi, whooping cough, wounds (gun shot), sinus pains, rheumatism, lumbago, arthritis, neuritis, athlete's foot, ringworm, dandruff, lacerations, contusions and strains, hay fever, and catarrh and colds; that the article would kill bacteria, strengthen bones and teeth, stimulate circulation, relieve pains caused by respiratory ailments, prevent infections and contagious diseases, help the healing of stubborn wounds, clear up blemishes and pimples, induce quick healing and promote positive antiseptic action in treating cuts, wounds, and bruises, maintain a healthy complexion, prevent loss of hair and promote its growth, promote and preserve radiant health, build up resistance to disease, insure sturdy growth and sound development of babies and children, and sterilize rooms. The device was not capable of producing the benefits and results stated and implied.

DISPOSITION: January 18, 1946. W. A. Leiser and Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the

product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

DRUGS FOR VETERINARY USE

2039. Misbranding of C. C. C. Formula. U. S. v. Charles C. Craigo (C. C. Remedy Co.). Plea of nolo contendere. Fine, $100. (F. D. C. No. 20163. Sample Nos. 18687–H, 18694–H.)

INFORMATION FILED: August 13, 1946, Western District of Wisconsin, against Charles C. Craigo, trading as the C. C. Remedy Co., at La Valle, Wis.

ALLEGED SHIPMENT: On or about May 5 and July 5, 1945, from the State of Wisconsin into the States of Minnesota and Iowa.

PRODUCT: One shipment of this product consisted essentially of water, formaldehyde, oil of wintergreen, and not more than 7.5 percent of sulfanilamide. The other shipment consisted essentially of mineral oil, formaldehyde, and not more than 9.2 percent of sulfanilamide or sulfathiazole.

LABEL, IN PART: "C. C. C. Formula * * * Sulphanilamide," "Triple C. C. C. Formula * * * Sulphanilamide, or Sulfathiazole."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in circulars entitled "C. C. Remedy Company's Better Milk Program," accompanying a portion of the article, were false and misleading. The statements in the labeling represented and suggested that the article, when used as directed, would be efficacious in the treatment of garget and mastitis in milch cows, whereas the article would not be efficacious for such purpose. Further misbranding, Section 502 (a), the labeling was misleading since it represented and suggested that the article, when used as directed, contained a significant therapeutic dosage of a sulfonamide, whereas the article, when used as directed, did not contain a significant therapeutic dosage of a sulfonamide.

DISPOSITION: October 29, 1946. A plea of nolo contendere having been entered, the court imposed a fine of $50 on each of the 2 counts of the information.

2040. Misbranding of Chick D-W Tablets and Alkazing. U. S. v. Smithson Products Co. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 17864. Sample Nos. 22161–H, 22162–H.)

INFORMATION FILED: May 7, 1946, Southern District of Illinois, against the Smithson Products Co., a partnership, Peoria, Ill.

ALLEGED SHIPMENT: From the State of Illinois into the State of Missouri. The products were shipped on or about March 5 and May 10, 1945, and a number of accompanying circulars entitled, "Helps for Making More Money from Livestock and Poultry," were shipped within the period from the latter part of 1944 to on or about May 21, 1945.

PRODUCT: Examination showed that the *Chick D-W Tablets* consisted of green compressed tablets containing, chiefly, copper sulfate, potassium alum, and small amounts of boric acid, siliceous excipient, and green color; and that the *Alkazing* consisted of a red powder containing, chiefly, sodium carbonate and sodium hydroxide, and small amounts of copper carbonate, cresol, and red color, with anise flavor and sweetened with saccharin.

NATURE OF CHARGE: *Chick D-W Tablets*, misbranding, Section 502 (a), certain statements on the label of the article, and certain statements and a picture of a dragon breathing fire, appearing in the circulars were false and misleading since they represented and suggested that the article would be effective as an intestinal astringent for poultry; that when used as directed the article would be effective in the prevention and treatment of bowel troubles of chicks and adult fowls; that it would be effective to guard against contagions; that it would help to stop the spread of certain intestinal contagions, such as coccidiosis, fowl cholera, and fowl typhoid; that it would be effective against intestinal disturbances, such as diarrhea and dysentery and pasting up behind in chicks; that it would be effective until all danger signs of diarrhea and dysentery were gone; that it would be effective to help save chicks; that it would be effective against the dread bacillary white diarrhea (*S. pullorum* infection), which may be spread through contaminated drinking water; that it would be effective to ward off certain intestinal diseases, and to help stop the spread of certain intestinal infections; that it would be effective to stop the spread of dysentery and diarrhea through drinking water, and to give

relief from the weakening effects of dysentery and diarrhea; and that it would be effective as a medication until all signs of diarrhea and dysentery disappeared. The article would not be effective for the purposes represented.

Alkazing, misbranding, Section 502 (a), the pictures of scrawny and runty pigs and certain statements appearing in the circulars were false and misleading since they represented and suggested that the article would be effective as a prevention and treatment against intestinal disturbances and intestinal disorders of pigs and hogs, such as necro and necrotic enteritis, paratyphoid, and caseous enteritis and infectious necrotic enteritis; that it would be effective to clean sows inside and out, and to clean the intestinal tract of pigs and hogs; that it would be cheap insurance against probable further setbacks and losses in time, feed, and death of pigs and hogs; that it would be effective in making money-makers out of emaciated, fever-drawn, half-starved, runty looking pigs; that it would be effective in making market hogs out of runts; that it would be effective to cause improvement in pigs that looked like they were not doing well; that it would make profitable porkers out of runty pigs; and that it would put poor doers into condition. The article would not be effective for the purposes represented.

DISPOSITION: June 3, 1946. A plea of guilty having been entered, the defendant was fined $100 on each of the 2 counts of the information, plus costs.

2041. Misbranding of Chick-O-Dee Antiseptic Capsules. U. S. v. 123 Packages of Chick-O-Dee Antiseptic Capsules. Default decree of forfeiture and destruction. (F. D. C. No. 16695. Sample No. 23613-H.)

LIBEL FILED: July 13, 1945, Western District of Texas.

ALLEGED SHIPMENT: On or about May 14, 1945, by the Service Sales Co., from New Orleans, La.

PRODUCT: 123 packages of *Chick-O-Dee Antiseptic Capsules* at San Antonio, Tex. Analysis disclosed that the product consisted essentially of epsom salt and sodium bicarbonate, with small proportions of calcium lactate, aluminum, potassium, and iron sulfates, and a trace of gambir.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article, when used as directed, was an antiseptic, a disinfectant, and a deodorant; that the article would counteract contamination of drinking water and prevent spreading of disease; that it would be effective to prevent rickets, to overcome hyperacidity, and relieve diarrhea; and that it would be effective as a purgative. The article, when used as directed, was not an antiseptic, a disinfectant, or a deodorant, it would not accomplish the results claimed, and it would not be effective for the purposes represented.

Further misbranding, Section 502 (a), the statement, "Active Ingredients:—Calcium Lactate, Sodium Bicarbonate, Gambir, Iron, Protosulphate, Aluminum and Potassium Sulphate, Magnesii Sulfas," was misleading since none of the ingredients named was present in the article in sufficient quantity to have any therapeutic value for any disease condition of poultry when used in the manner directed on the label.

DISPOSITION: January 25, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

2042. Misbranding of Choloid Tablets. U. S. v. 289 Bottles of Choloid Tablets. Default decree of condemnation and destruction. (F. D. C. No. 20707. Sample No. 51188-H.)

LIBEL FILED: August 9, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about May 17, 1946, by the Northwest Poultry Supplies Co., from Sioux Falls, S. Dak.

PRODUCT: 289 bottles of *Choloid Tablets* at Sioux Center, Iowa. Analysis showed that the tablets consisted essentially of copper sulfate, citrate arsenite, zinc, and calcium and sodium sulfocarbolates.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading: "Choloid Cholera and Fowl Typhoid Tablets * * * If trouble is of mild form use two or three tablets to a gallon. For severe cases use four or five tablets to a gallon. * * * Use until disease is checked. * * * Choloid Tablets are recommended for use as a preventive and check for all bowel trouble of poultry. They are especially effective for treatment of the severe intestinal disorders—Cholera and fowl

typhoid. Given as a mild dose one day each month to the laying flock, they act as a stimulant." The article would not be effective for the purposes represented and suggested.

DISPOSITION: September 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2043. Misbranding of Germ-O-Tone. U. S. v. 134 Bottles of Germ-O-Tone. Default decree of condemnation and destruction. (F. D. C. No. 21049. Sample Nos. 44905–H, 44906–H.)

LIBEL FILED: September 30, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about July 17, 1946, by the Germ-O-Tone Laboratories, from Phoenix, Ariz.

PRODUCT: 134 bottles, from 8-ounce to ½-gallon sizes, of *Germ-O-Tone* at Riverside, Calif. Analysis showed that the product was essentially a lime and sulfur solution, with small amounts of potassium iodide and nitrate.

NATURE OF CHARGE: Misbranding, Section 502 (a), the designation "Germ-O-Tone" was false and misleading since it represented and suggested that the product was of value as a tonic for germ infestation of animals, and that it was a germicide, whereas it was not a tonic for germ infestation of animals, and it was not a germicide. Certain statements on the bottle label were false and misleading since they represented and suggested that the product would be effective in the treatment of sorehead, roup, and chicken pox of poultry, and ear canker and sore hocks in rabbits; that it would be effective in the prevention and removal of intestinal worms in poultry, livestock, and dogs, and in the prevention and removal of lice, mites, blue bugs, fleas, and ticks from all ages of poultry, livestock, and dogs; that it would be effective to prevent diarrhea, coccidiosis, and other bowel troubles in baby chicks, poults, growing and adult poultry, and livestock, including hogs, cattle, sheep, and horses; that it would be effective as a tonic and would stimulate the appetite and keep poultry and livestock doing good; that it would help poultry have full feathers and cause all types of livestock to have smooth silky coats; and that it would be effective for the prevention and treatment of distemper in all types of livestock. The article would not be effective for the purposes stated and implied.

DISPOSITION: October 31, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2044. Misbranding of On The Nose (drug). U. S. v. 345 Packages of On The Nose, and 500 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 21016. Sample No. 17700–H.)

LIBEL FILED: September 23, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 23, 1944, by the Tested Specialties Co., from Gillett, Wis.

PRODUCT: 345 packages of *On The Nose* and 500 accompanying leaflets entitled "On The Nose Keep Them Healthy" at Detroit, Mich. Analysis showed that the product was a gray ointment containing benzoin and 13.7 percent of mercury.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets were false and misleading since they represented and suggested that the product would be effective to keep dogs, cats, foxes, and other fur animals healthy; that it would be effective against disease germs; that it would be effective as a preventive or treatment of distemper, cough, colds, catarrh, listlessness, drooping, colic, or indigestion; that it would be effective as a laxative by changing abnormal conditions to normal; and that it would be effective to prevent gripe, pain, or distress of pets. The product would not be effective for the purposes represented and suggested.

DISPOSITION: November 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product and leaflets were ordered destroyed.

2045. Misbranding of Ski Hi. U. S. v. 31 Bottles of Ski Hi, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 20744. Sample No. 1667–H.)

LIBEL FILED: August 22, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about June 21, 1946, by the Edisto Products Co., from Denmark, S. C.

PRODUCT: 31 bottles of "Ski Hi for Running Fits in Dogs" and 10 pamphlets entitled "Running Fits in Dogs and Ski Hi The Guaranteed Remedy—by L. L. Turner" at Monroe, N. C. Analysis of the product showed that it consisted of a hydro-alcoholic-glycerin solution containing a considerable quantity of potassium iodide, with a small amount of free iodine and probably resorcinol, flavored with methyl salicylate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the label of the article and in the pamphlet were false and misleading since they represented and suggested that the article would be effective in the prevention or treatment of the disease condition in dogs known as running fits. The article would not be effective for such purpose.

DISPOSITION: September 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2046. Misbranding of Treet Tone. U. S. v. 8 Bottles and 44 Bottles of Treet Tone. Default decree of condemnation and destruction. (F. D. C. No. 20740. Sample No. 1544–H.)

LIBEL FILED: August 21, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about July 3, 1946, by the Hilltop Farm Feed Co., from Minneapolis, Minn.

PRODUCT: 8 gallon bottles and 44 quart bottles of *Treet Tone* at Savannah, Ga. Examination showed that the product was essentially a solution containing iron, potassium nitrate, potassium chloride, epsom salt, nux vomica, and phenolphthalein.

LABEL, IN PART: "Treet Tone Active Ingredients 55% * * * Treet Laboratories Division of Hilltop Farm Feed Co. Minneapolis 1, Minnesota."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in an accompanying wholesale price list were false and misleading since they represented and suggested that the product would be effective as a general conditioner and tonic for run-down birds; that it would bring birds quickly out of the last stages of moult; that it was the finest poultry tonic known; that it would be efficacious to bring chicks, poults, and large birds to normal vitality rapidly, and maintain them there; that it had no equal as a builder up of any flock; and that it should always be used during and after any disease treatment. The product would be of little or no value, other than possibly being a laxative in larger doses, and it would not fulfill the promises of benefit implied and suggested in the labeling.

Further misbranding, Section 502 (e) (2), the product was fabricated from 2 or more ingredients, one of which was nux vomica, a strychnine-containing drug, and the label failed to state the name and quantity or proportion of strychnine.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2047. Misbranding of Treet Tone and Treet Blackhead Inhibitor. U. S. v. 34 Bottles of Treet Tone and 45 Pounds of Treet Blackhead Inhibitor. Default decree of condemnation and destruction. (F. D. C. No. 20742. Sample Nos. 50991–H, 50992–H.)

LIBEL FILED: August 23, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about July 2, 1946, by the Hilltop Farm Feed Co., from Minneapolis, Minn.

PRODUCT: 34 1-quart bottles of *Treet Tone* and 45 pounds of *Treet Blackhead Inhibitor* at Sisseton, S. Dak.

Examination showed that the *Treet Tone* consisted essentially of a solution containing iron sulfate, potassium nitrate, potassium chloride, and epsom salt. No nux vomica alkaloids or phenolphthalein was found upon analysis.

Examination of the *Treet Blackhead Inhibitor* showed that the product consisted essentially of flour containing soybean and wheat starch, and phenothiazine.

LABEL, IN PART: (Treet Tone) "Active Ingredients * * * Nux Vomica Phenolphthalein."

NATURE OF CHARGE: *Treet Tone.* Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be effective as a general conditioner and tonic for run-down birds; that it would be effective when birds are badly run-down following any medicinal treatment; that it would bring them quickly out of the last stages of moult; and that Treet Medicinals have been proved in use on their Hilltop Experimental Farm. The article would be of little or no value, other than possibly as a laxative in larger doses; and it would not fulfill the promises of benefit implied and suggested. Further misbranding, Section 502 (a), the statements on the label quoted above were false and misleading since they represented and suggested that the article contained nux vomica and phenolphthalein, whereas it did not contain nux vomica or phenolphthalein.

Treet Blackhead Inhibitor. Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be effective in the prevention or treatment of the disease of poultry known as blackhead; that it would give added strength and vitality to the birds; and that the article had been proved in use on the Hilltop Experimental Farm. The article would not be effective in the prevention or treatment of blackhead, and it would not be effective in giving added strength and vitality to the birds.

DISPOSITION: September 30, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2048. Misbranding of White's No-Blote. U. S. v. 53 Cartons of White's No-Blote. Default decree of condemnation and destruction. (F. D. C. No. 19898. Sample No. 27189–H.)

LIBEL FILED: May 24, 1946, District of Wyoming.

ALLEGED SHIPMENT: On or about April 10, 1946, by the S & L Campbell Co., from Denver, Colo.

PRODUCT: 53 3-pound cartons of *White's No-Blote* at Wheatland, Wyo. Analysis showed that the product was an anise-flavored mixture consisting essentially of ammonium chloride, potassium chlorate, and sodium sulfate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the carton label were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of bloat in sheep and cattle and in the treatment of the condition known as founder, which may accompany bloat. The article would not be effective for such purposes.

DISPOSITION: August 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ACCURATE STATEMENTS OF THE QUANTITY OF THE CONTENTS *

2049. Misbranding of eye water. U. S. v. 110 Cartons of Eye Water. Default decree of condemnation and destruction. (F. D. C. No. 21152. Sample No. 53062–H.)

LIBEL FILED: October 15, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 17, 1946, by the J. L. Thompson Co., from Troy, N. Y.

PRODUCT: 110 cartons, each containing 12 bottles, of *eye water* at Cleveland, Ohio. Examination showed that the product was short-volume.

LABEL, IN PART: "Dr. Isaac Thompson's Celebrated Eye Water 1 Fl. Oz."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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* See also Nos. 2003, 2034.

2050. Misbranding of hair and scalp ointment. U. S. v. 182 Cans of Hair and Scalp Ointment. Default decree of condemnation and destruction. (F. D. C. No. 20567. Sample No. 11881–H.)

LIBEL FILED: July 29, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 29, 1946, by the Apex News and Hair Company, Inc., from Atlantic City, N. J.

PRODUCT: 182 4-ounce cans of *hair and scalp ointment* at Roxbury, Mass. Examination showed that the product was short-weight.

LABEL, IN PART: "Apex Net Contents 4 Ozs. Glossatina Anti Burn Hair and Scalp Ointment."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 27, 1946. No claimant having appeared, judgment was entered and the product was ordered destroyed.

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PRODUCTS

[1] (2011) Permanent injunction issued.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] (2011) Permanent injunction issued.

U. S. GOVERNMENT PRINTING OFFICE: 1947

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2051–2100

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 10, 1947.*

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DRUG ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

2051. Misbranding of combination packages of gauze bandage and crystalline sulfanilamide. U. S. v. 800 Combination Packages of Gauze Bandage and Crystalline Sulfanilamide (and 1 other seizure action against gauze bandage and crystalline sulfanilamide). Default decrees of condemnation. Portion of product ordered delivered to a public institution; remainder ordered destroyed. (F. D. C. Nos. 20556, 20699. Sample Nos. 63801–H, 63806–H.)

LIBELS FILED: July 25 and August 8, 1946, Southern District of New York.

ALLEGED SHIPMENT: The article was originally shipped on February 15 and 23, April 2, and May 2, 1945, from Boston, Mass., to New York, N. Y., and was intended to be part of certain emergency equipment used by the Army Air Forces. At the termination of the war, a portion of the consignments involved were declared surplus by the Army and later sold to dealers within the City of New York.

PRODUCT: 800 and 13,500 combination packages each containing a *gauze bandage* and a small envelope of *crystalline sulfanilamide* at New York, N. Y.

*For presence of a habit-forming narcotic without warning statement, see No. 2053; deceptive packaging, No. 2063; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 2056; omission of, or unsatisfactory, ingredients statements, Nos. 2056, 2089; labeling information not likely to be read and understood by the ordinary individual under customary conditions of purchase and use, Nos. 2057, 2059; cosmetics, subject to the drug provisions of the Act, Nos. 2095, 2096.

NATURE OF CHARGE: Misbranding, Section 502 (j), the *crystalline sulfanilamide* would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "Directions * * * After controlling hemorrhage, sprinkle powder in wound, covering the depth and injured surfaces lightly, then cover with sterile dressing and bandage."

DISPOSITION: August 23 and December 13, 1946. No claimant having appeared, judgments of condemnation were entered and the lot of 800 packages was ordered destroyed, and the lot of 13,500 packages was ordered delivered to the Department of Hospitals of the City of New York.

DRUG CONTAINING PENICILLIN DISPENSED WITHOUT PRESCRIPTION OF PHYSICIAN

2052. Action to enjoin and restrain the sale of misbranded Ledercillin-G Lozenges. U. S. v. Parkview Drug Co., Phil Small, John Small, and Harry Small. Consent decree granting injunction. (Inj. No. 141.)

COMPLAINT FILED: May 29, 1946, Western District of Missouri, against the Parkview Drug Co., a corporation, Kansas City, Mo., and Phil Small, John Small, and Harry Small, officers of the corporation.

NATURE OF CHARGE: Section 507. That the defendants had for a long time operated a chain of drug stores in Kansas City, Mo., and had been and were offering for sale at their drug stores, without the submission of a physician's prescription, a drug under the name *Ledercillin-G Lozenges* which contained penicillin. The complaint further alleged that the Federal Security Administrator had promulgated regulations for the certification of drugs composed wholly or partly of penicillin, which regulations provided that such drugs should be dispensed by or on the prescription of a physician, and that the defendants had on hand at the various stores a large stock of the drug which they were selling and intended to sell in the future.

PRAYER OF COMPLAINT: That a temporary restraining order be issued immediately without a hearing; that within 10 days after the granting of the restraining order a temporary injunction issue; and that after final hearing, defendants be permanently enjoined and restrained from sale of the article without a physician's written prescription.

DISPOSITION: October 1, 1946. The defendants having consented to the entry of a decree, the court issued an order permanently enjoining the defendants and their agents from the sale of any drug containing a derivative of penicillin without the written prescription of a physician.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

2053. Alleged misbranding of seconal sodium capsules and benzedrine sulfate tablets. U. S. v. Alfred R. Collins (Collins Bros., Walgreen Agency Drug). Plea of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 17860. Sample Nos. 26067-H to 26069-H, incl.)

INFORMATION FILED: August 12, 1946, Northern District of Texas, against Alfred R. Collins, trading as Collins Bros., Walgreen Agency Drug, Big Springs, Tex.

INTERSTATE SHIPMENT: Between the approximate dates of February 1944, and October 10, 1944, from Indianapolis, Ind., and Philadelphia, Pa., of a quantity of *seconal sodium capsules* and *benzedrine sulfate tablets*.

LABEL, WHEN SHIPPED: "500 Pulvules Seconal Sodium 1½ grs. * * * Caution: To be used only by or on the prescription of a physician * * * Eli Lilly and Company Indianapolis," or "250 Tablets 10 mg. Benzedrine Sulfate Tablets * * * Caution: To be used only by or on the prescription of a physician * * * Smith, Kline & French Laboratories Philadelphia, Pa."

NATURE OF CHARGE: That on or about March 16, 20, and 21, 1945, the defendant caused to be removed a number of tablets from bottles bearing the labels described above, repacked the tablets into unlabeled envelopes, and sold those tablets without a prescription.

The information charged further that the act of the defendant resulted in the misbranding of the articles in the following respects: Section 502 (f) (1),

the envelopes containing the articles bore no labeling containing directions for use; and, Section 502 (f) (2), they bore no labeling containing warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

It was charged also that the defendant's acts resulted in the misbranding of the *seconal sodium capsules* under Section 502 (d), in that the capsules contained in the envelopes contained a chemical derivative of barbituric acid, seconal, which derivative had been found, and by regulations designated as, habit forming; and the label of the article in the envelopes failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: On October 9, 1946, the defendant having entered a plea of not guilty, the case came on for trial before the court. At the conclusion of the trial, the court handed down a verdict of not guilty.

2054. Misbranding of diethylstilbestrol tablets, elixir alurate, and ephedrine and amytal pulvules. U. S. v. Louis L. Patt (Courtesy Drug Store) and Al Defnet. Pleas of nolo contendere. Fine of $200 against Louis L. Patt on count 1. Imposition of sentence against Louis L. Patt suspended on counts 2 and 3; sentence against Al Defnet suspended on all counts. Both defendants placed on probation for 1 year. (F. D. C. No. 20118. Sample Nos. 73926–F, 73934–F, 73975–F.)

INFORMATION FILED: April 24, 1946, District of Arizona, against Louis L. Patt, trading as the Courtesy Drug Store, Phoenix, Ariz., and Al Defnet, an employee.

INTERSTATE SHIPMENT: Between the approximate dates of May 29, 1944, and September 27, 1944, from Philadelphia, Pa., Nutley, N. J., and Indianapolis, Ind., of quantities of *diethylstilbestrol tablets*, *elixir alurate*, and (capsules) *ephedrine and amytal pulvules*.

PRODUCT: The drugs had been made for use exclusively by or on the prescription of a physician, and the labels bore the statement, "Caution: To be used only by or on the prescription of a physician." As a result the drugs were not required to comply with Section 502 (f) (1), which requires that adequate directions for use appear in the labeling.

LABEL, WHEN SHIPPED: "Diethylstilbestrol * * * Warning: This is a potent drug and serious consequences may result if used other than under constant medical supervision"; "Elixir Alurate * * * contains ½ gr. Allyl-Isopropyl-Barbituric Acid Warning: May Be Habit Forming"; or "Pulvules Ephedrine and Amytal Warning: May Be Habit Forming."

NATURE OF CHARGE: *Diethylstilbestrol tablets* and *elixir alurate*. On or about September 30 and October 13, 1944, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused them to be sold, delivering them to the purchasers in the bottles labeled as indicated above, without a physician's prescription. The sale of the drugs by the defendants caused the exemption to expire and resulted in the misbranding of the drugs in violation of Section 502 (f) (1), since the bottles bore no labeling containing directions for use.

Ephedrine and amytal pulvules. On or About November 22, 1944, the defendants removed a number of pulvules (capsules) from the bottle and repacked them into an unlabeled cardboard box and sold them without a prescription. The acts of the defendants resulted in the drug being misbranded in violation of Section 502 (f) (1), since the cardboard box bore no labeling containing directions for use; and, Section 502 (f) (2), the labeling of the drug failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form as are necessary for the protection of users.

DISPOSITION: On May 13, 1946, the defendant, Louis L. Patt, having entered a plea of nolo contendere, the court imposed a fine of $200 on count 1, suspended imposition of sentence against him on counts 2 and 3 for 1 year, and placed him on probation for that period of time. On June 3, 1946, Al Defnet, having entered a plea of nolo contendere, imposition of sentence against him was suspended on all counts for 1 year, and he was placed on probation for that period.

2055. Misbranding of Robert J. Pierce's Special Formula. U. S. v. Robert J. Pierce, Inc. Plea of guilty. Fine, $1,000. (F. D. C. No. 9668. Sample Nos. 87145–E, 19952–F.)

INFORMATION FILED: January 14, 1944, Southern District of New York, against Robert J. Pierce, Inc., New York, N. Y.

ALLEGED SHIPMENT: On or about February 27 and November 23, 1942, from the State of New York into the States of Virginia and Massachusetts.

LABEL, IN PART: "Robert J. Pierce's Special Formula. Caution: To be used only by or on the prescription of a physician."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article bore no directions for use.

Further misbranding, Section 502 (f) (2), the article was a laxative, and its labeling failed to bear a warning that it should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present; and, further, the labeling failed to warn that continued use of the article might result in dependence upon laxatives to move the bowels.

DISPOSITION: November 1, 1946. A plea of guilty having been entered, the court imposed a fine of $500 on each of the 2 counts of the information.

2056. Adulteration and misbranding of Radiodine and misbranding of Iriodine. U. S. v. 90 Ampuls of Radiodine and 90 Ampuls of Iriodine. Default decree of condemnation and destruction. (F. D. C. No. 21307. Sample Nos. 1550–H, 1551–H.)

LIBEL FILED: October 29, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 2, 1946, by Albert D. Trencavel, from Chicago, Ill.

PRODUCT: 90 ampuls of *Radiodine* and 90 Ampuls of *Iriodine* at New Port Richey, Fla.

LABELS: (Boxes) "25–2cc Ampoules Radiodine," or "25–3cc Ampoules Iriodine."

NATURE OF CHARGE: Adulteration, Section 501 (c), (Radiodine only) the purity and quality of the article fell below that which it purported to possess, in that it was packaged in ampuls, which indicated that it was intended for intramuscular or intravenous use, and it was unsuitable for such use since it contained undissolved material.

Misbranding, Section 502 (b) (1), (both products) the labels failed to bear the name and place of business of the manufacturer, packer, or distributor; Section 502 (e) (2), they failed to bear the common or usual name of each ingredient; and, Section 502 (f) (1), they failed to bear adequate directions for use.

DISPOSITION: November 25, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2057. Misbranding of Alberty Vitamin-Mineral Capsules, Instant Alberty Food, Oxorin Tablets, Alberty's Regular Food, Alberty's Vegetable Compound Capsules, Alberty Vitamin B Complex Tablets, Alberty's Vitamin B_1, Alberty's Vitamin A Shark Liver Oil, Ri-Co Tablets, Alberty's Phosphate Pellets, Recal Calcium Tablets, Alberty's Lebara Pellets, Alberty's Sabinol, Alberty's Vi-C, Cheno Combination Tablets, Cheno Herb Tea Laxative, Cheno Preparation of Phytolacca Berry Juice, Alberty's Lebara No. 2 Pellets, Alberty Phospho B Tablets, and Alberty Calcium Pantothenate. U. S. v. 6 Cartons of Alberty Vitamin-Mineral Capsules (and various quantities of similar products). Default decree of destruction. (F. D. C. No. 13345. Sample Nos. 81301–F to 81319–F, incl., 81338–F.)

LIBEL FILED: On or about September 11, 1944, in the Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of October 18, 1943, and August 21, 1944, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 6 cartons of *Alberty Vitamin-Mineral Capsults*, 19 packages of *Instant Alberty Food*, 9 cartons of *Oxorin Tablets*, 7 cans of *Alberty's Regular Food*, 6 cartons of *Alberty's Vegetable Compound Capsules*, 31 bottles of *Alberty Vitamin B Complex Tablets*, 8 bottles of *Alberty's Vitamin B_1*, 6 boxes of *Alberty's Vitamin A Shark Liver Oil*, 7 bottles of *Ri-Co Tablets*, 28 bottles of *Alberty's Phosphate Pellets*, 13 bottles of *Recal Calcium Tablets*, 9 bottles of *Alberty's Lebara Pellets*, 14 bottles of *Alberty's Sabinol*, 11 bottles of *Alberty's Vi-C*, 14 cartons of *Cheno Combination Tablets*, 6 cartons of *Cheno Herb Tea Laxative*, 5 bottles of *Cheno Preparation of Phytolacca Berry Juice*,

19 bottles of *Alberty's Lebara No. 2 Pellets*, 16 bottles of *Alberty Phospho B Tablets*, and 3 bottles of *Alberty Calcium Pantothenate*.

The labeling of the articles included copies of the following booklets and leaflets which accompanied the articles when introduced into, and while in, interstate commerce: "Health Mysteries," "Calcium The Staff of Life," "Happy Figures by the Cheno Plan," "Do You Know? Vitamin 'A'," "Are You Left Pepless and Pale by an Iron-Poor Diet?" "Help Yourself to a lot of New Vitality," "Check yourself for Plenty of B Vitamins," "The Alberty Diet," "Reduce! Streamline Your Figure," "Living Life to the Fullest," "Sleep Nights!" "Vitamin C," "So it's You again, is it? A gray hair," "Instant Alberty Food," "For a Lovely, Clear Complexion," and "Alberty's Vitamin A * * * Shark Liver Oil."

Examination of samples disclosed that the *Alberty Vitamin-Mineral Capsules* consisted of two types of capsules, one of which contained vitamins, including, per capsule, 1 milligram of vitamin B_1 and 610 U. S. P. Units of vitamin C; and the other contained inorganic compounds, including compounds of iron, iodine, calcium, phosphorus, and manganese ,with traces of copper, zinc, and magnesium. The *Oxorin Tablets* contained powdered iron and vegetable matter, including a trace of ginger and proteinaceous matter. The *Alberty's Regular Food* consisted of wheat and barley flours, with calcium phosphate added.

Examination disclosed that the *Alberty's Vegetable Compound Capsules* consisted essentially of dried and powdered vegetables, including tomato, spinach, water cress, beet leaf, cauliflower, asparagus, lettuce, and celery; and that the inorganic constituents of the contents, per 9 capsules, included 2.1 milligrams of iron, 55.6 milligrams of calcium, and 24.9 milligrams of phosphorus. The *Instant Alberty Food* consisted of a mixture of wheat flour, barley flour, dried skim milk, and calcium phosphate; and the iron content was 0.0035 percent, equivalent to 1.9 milligrams of iron in 1.91 ounces, or 2.2 milligrams in 8 level tablespoonfuls (2.2 ounces).

Examination disclosed that the *Alberty Vitamin B Complex Tablets* contained vitamins, including 500 U. S. P. Units of vitamin B_1, 0.668 milligram of vitamin B_2, and 3.7 milligrams of niacin, per tablet. The *Alberty's Vitamin* B_1 contained vitamins, including 200 International Units of vitamin B_1, 66 micrograms of vitamin B_2, and not less than 425 micrograms of niacin, per tablet. The *Alberty's Vitamin A Shark Liver Oil* contained an oil which possessed a potency of 26,800 U. S. P. Units of vitamin A per capsule. The *Ri-Co Tablets* consisted essentially of milk sugar, starch, and talc, with a trace of phosphate; and the total phosphorus content was 0.012 milligram per tablet. The *Alberty's Phosphate Pellets* possessed essentially the composition declared upon the label, "Alberty's Phosphate Pellets Homeopathic Contains 1/1000 grain each of Phosphates, Iron, Potassium, Sodium, Calcium, and Magnesium per pellet." The *Recal Calcium Tablets* contained a calcium phosphate and plant material, including dulse; and 6 tablets yielded 608 milligrams of phosphorus. The *Alberty's Lebara Pellets* had approximately the composition declared upon the label, "Contains Sodium Sulphate in Homeopathic amounts—1/1000 grain per pellet." The *Alberty's Sabinol* consisted essentially of milk sugar, with a trace of vegetable tissues, and the total inorganic matter present was 0.18 percent. The *Alberty's Vi-C* contained 28.5 milligrams of ascorbic acid per tablet. The *Cheno Combination Tablets* contained compounds of calcium, phosphorus, iron and iodine, and the total amount of iodine in 12 tablets was 0.48 milligram. The *Cheno Herb Tea Laxative* consisted essentially of a large proportion of senna leaf with other plant materials, including kelp, peppermint leaf, fennel seed, coriander seed, sassafras bark, anise seed, licorice, and bean shells. The *Cheno Preparation of Phytolacca Berry Juice* contained a reddish-purple liquid, such as poke berry juice, and 18 percent of alcohol. The *Alberty's Lebara No. 2 Pellets* consisted essentially of milk sugar, with a possible trace of extracts of plant materials. Each *Alberty Phospho B Tablet* contained 40 International Units of vitamin B_1 and 1/1000 grain each of phosphates of iron, potassium, sodium, calcium, and magnesium, and the total, per tablet, of inorganic matter was 0.3 milligram, and of phosphorus, 0.014 milligram. The *Alberty Calcium Pantothenate* consisted of tablets containing a calcium compound, such as calcium pantothenate.

NATURE OF CHARGE: *Alberty Vitamin-Mineral Capsules, Oxorin Tablets, Alberty's Regular Food*, and *Alberty's Vegetable Compound Capsules*. Misbranding, Section 502 (a), certain statements in the labeling of the articles were false

and misleading since they represented and suggested that, when used in combination with the Alberty diet, and singly or in combination with each other, the articles would be efficacious to correct polyuria (excessive urine), and thirst and other symptoms in a majority of cases for those on a starch- and sugar-restricted diet; that they would be efficacious to increase strength and vitality; and that they would be efficacious in the treatment of afflicted organs of the body, i.e., the liver, spleen, and pancreas, and the entire digestive tract. The articles would not be efficacious for the purposes claimed.

Alberty Vitamin-Mineral Capsules. Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading, since they represented and suggested that the article would be efficacious in building strength and resistance to disease, preventing one becoming old before one's time, and preventing a haggard, "dopey" feeling and the feeling of being always tired, with no pep or energy. The article would not be efficacious for the purposes claimed.

Oxorin Tablets. Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be an adequate treatment for lowered resistance, low blood pressure with cold hands and feet, lack of pep, and chronic fatigue; that it would be an adequate treatment for persons who are often pale and easily fagged out; that it would be an adequate treatment for gas after eating; that it would insure robust buoyant health and stamina; that it would keep the digestive functions working at their best; that it would be efficacious in preventing the lowering of the natural resistance of the body; and that it would be efficacious in correcting the conditions implied in the expressions "living half-powered lives" and "weary, tired, run-down—just dragging yourself around with no ambition." The article would not be efficacious for the purposes claimed.

Alberty's Regular Food. Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious to supply new vitality, relieve stomach distress, improve looks, give strength and vitality to the weak, put added flesh on the undernourished, and give rest to the overworked stomach; that the article would be an adequate treatment for intestinal ulcers and for people who can no longer digest and assimilate a regular diet; and that the article would be an adequate treatment for eczema, mucus colitis, and diarrhea. The article would not be efficacious for the purposes claimed.

Alberty's Vegetable Compound Capsules. Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article, when used singly and in combination with *Alberty's Regular Food* and *Oxorin Tablets*, would be efficacious to insure keeping the digestive functions working at their best and in preventing the lowering of the natural resistance. The article would not be efficacious for the purposes claimed.

Instant Alberty Food. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious to insure strong healthy bodies and to increase the assimilation of food and thereby lessen the burden on weakened organs which have the duty to regulate sugar digestion; that use of the article would result in increased pep and stamina and correct and prevent pale, weak, undernourished, thin, and scrawny bodies. The article would not be efficacious for the purposes claimed.

Alberty Vitamin B Complex Tablets. Misbranding, Section 502 (a), certain statements in the labeling were misleading since they represented, suggested, and implied that "let-down," "dragged-out," "all-in," and tired nervous symptoms, low intestinal activity and lack of general well-being, lack of "pep" and stamina, poor health, poor eyesight, skin disease, nervous disorders, lack of growth, poor appetite and improper digestion, unsound nerves, sluggish intestinal activity, constipation, flatulence, headaches, dyspepsia, chronic fatigue and other characteristics of middle and old age, lack of tone in the digestive tract, neuritis, and arthritis commonly and usually result from lack of vitamin B complex; and that the reader might reasonably expect that consumption of the article would correct the stated conditions and abnormalities. The stated conditions and abnormalities commonly and usually result from

causes other than lack of vitamin B complex, and the user could not reasonably expect that consumption of the article would correct the conditions and abnormalities, in that it would not ordinarily be efficacious for such purposes.

Alberty's Vitamin B_1. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article was necessary for proper digestion, sound nerves, good intestinal activity, and regular elimination; that it would stimulate without that "after-feeling of let-down," make the day's task easier, and maintain the tone of the digestive tract; that it was essential for growth, appetite, life, health, proper digestion, sound nerves, good intestinal activity, and elimination; that it would be efficacious in the treatment of nervousness, sleeplessness, absence of appetite, vomiting in pregnancy, gastrointestinal malfunction, lactation, retarded growth in children, diabetes, chronic arthritis, anemia, alcoholic neuritis, beriberi, and over-activity of the thyroid gland; that it was a muscle toner; that it was essential for well-being in all ages and would prevent premature old age; that use of the article would result in less fatigue at the end of the day and improved eyesight; that its use would be beneficial in the treatment of skin diseases, nervous disorders, and other deficiency ailments; and that the article would be efficacious in the treatment of constipation, flatulence, headaches, dyspepsia, lack of stamina, and chronic fatigue. The article would not be efficacious for the purposes claimed.

Alberty's Vitamin A Shark Liver Oil. Misbranding, Section 502 (a), certain statements and designs in the labeling were false and misleading since they represented and suggested that the article was essential for the eyes, ears, nose, throat, skin, and lungs, and for growth and reproduction; that it would relieve tired aching eyes; that it would be efficacious in the prevention and treatment of dry skin or skin eruptions on the body, night blindness, slow reaction of eyes to a change of light, eye strain, susceptibility to colds, children's diseases, retarded growth or impairment of healthy development of teeth and bones, poor eyesight, lack of energy, sterility, eczema, and an inflamed membrane lining of various parts of the body; and that it would be efficacious to prevent kidney stones. The article would not be efficacious for the purposes claimed.

Ri-Co Tablets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment of arthritis, rheumatism, and rheumatic gout. The article would not be efficacious for those conditions.

Alberty's Phosphate Pellets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment of nervousness, neurasthenia, nervous debility, nerve exhaustion, loss of memory, sleeplessness, high blood pressure symptoms, loss of energy, despondency, trembling or aching limbs, constipation, loss of stamina, and many other conditions; that use of the article would result in sound and more restful sleep, renewed strength and vitality, and stronger powers of digestion and assimilation; and that the article would have a soothing, beneficial effect on the nerve tissues and would act as a tonic to the blood and the entire body. The article would not be efficacious for the purposes claimed.

Recal Calcium Tablets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment of poor teeth and bones, rickets, nervousness, lack of energy, and signs of early aging; and that it was the equivalent of milk and could be used as a substitute for milk. The article was not the equivalent of milk, and it would not be efficacious for the purposes claimed.

Alberty's Lebara Pellets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would assure the user of a lovely clear complexion and bright clear eyes sparkling with appeal; that it would aid in better liver function, increase the flow of bile from the liver, and encourage the elimination of waste products and toxic poisons; that it would be efficacious in the treatment of biliousness, intestinal indigestion, toxemia, acidosis, rheumatism, skin disorders, mucus colitis, neuritis, kidney involvement, asthma, inflammation of the gall bladder, headache, bad taste in the mouth, coated tongue, spots before

the eyes, bearing down pains in the small of the back, and constipation of hepatic origin; and that it would prevent ill health, weaknesses, and premature old age. The article would not be efficacious for the purposes claimed.

Alberty's Sabinol. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would be efficacious in the treatment and prevention of a dull achy feeling across the back, sharp pains in the kidneys, dark circles beneath the eyes and puffiness, spots before the eyes, swelling in the feet, ankles, and lower limbs, and frequent urination during the night. The article would not be efficacious for the purposes claimed.

Alberty's Vi-C. Misbranding, Section 502 (a), certain statements in the labeling were misleading, since the statements represented, suggested, and implied that poor teeth, unhealthy gums, weak bones, flabby muscles, lack of stamina and resistance, impaired healing capacity, neuritis, rheumatism, arthritis, subnormal rate of growth, tendency to bleed easily, anemia, lowered resistance to infection, skin lesions or red spots on the skin, low blood pressure, weakness, fatigue, palpitation of the heart, breathlessness, tooth decay, gingivitis, capillary weakness, weak bones, bad breath, rheumatic pains, slight edema, intestinal disturbance and hematuria, leg and feet cramps, pyorrhea, slow blood coagulation, ulcers, allergy, and diabetes commonly and usually result from lack of vitamin C; and that the reader might reasonably expect that consumption of the article would correct the conditions and abnormalities mentioned, whereas said conditions and abnormalities commonly and usually result from causes other than lack of vitamin C. The reader might not reasonably expect that consumption of the article would correct said conditions and abnormalities, since it would not ordinarily be efficacious for such purposes.

Cheno Combination Tablets, Cheno Herb Tea Laxative, and *Cheno Preparation of Phytolacca Berry Juice.* Misbranding, Section 502 (a). These articles were alleged to be misbranded in that certain statements and designs in their labeling were false and misleading since those statements represented and implied that the articles, singly or in combination, would be effective in reducing the weight of the consumer; and that the *Cheno Herb Tea Laxative* was harmless and free from habit-forming drugs. The articles, singly or in combination, would not be effective in reducing the weight of the consumer; and the *Cheno Herb Tea Laxative* was not harmless and free from habit-forming drugs, but contained senna, a drug which may be habit-forming, since frequent or continued use of it may result in dependence upon laxatives to move the bowels. Further misbranding, *Cheno Herb Tea Laxative,* Section 502 (f) (2), the labeling failed to bear adequate warnings, since the statement upon the carton, "Laxatives used over prolonged periods may tend to create habit. Do not take in cases of nausea, vomiting, acute abdominal pains, appendicitis," did not warn the purchasers that abdominal pain which is not acute may be indicative of appendicitis, and a contra-indication for use of the article, or that frequent and continued use of the article might result in dependence upon laxatives to move the bowels; and, Section 502 (c) the information required by law to appear upon the label, i. e., the active ingredients, was not placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the statement upon the label, "Contains: Senna Leaves, Kelp, Licorice Root, Peppermint, Fennel, Anise, Coriander, Sassafras, Ivy Leaves, Ononis, Chick Weed, Black Alder Bark, Beanshells," did not clearly indicate which of the ingredients were therapeutically active.

Alberty's Lebara No. 2 Pellets. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and implied that the article would assure the user of a lovely clear complexion, bright eyes, and greater zest and vim; that it would be efficacious in the treatment of intestinal indigestion, toxemia, biliousness, acidosis, rheumatism, skin disorders, mucus colitis, neuritis, kidney involvement, asthma, and inflammation of the gall bladder; and that it would be efficacious to prevent ill health, weaknesses, and premature old age. The article would not be efficacious for the purposes claimed.

Alberty Phospho B Tablets. Misbranding, Section 502 (a), certain statements and designs in the labeling were false and misleading since they represented and suggested that the article would be efficacious in the treatment of nervousness, irritability, and sleeplessness; that it would be efficacious to tone

the muscles of the intestinal tract and maintain normal nutrition; and that it would be efficacious to induce sleep for alcoholic addicts and highly nervous and excitable individuals. The article would not be efficacious for the purposes claimed.

Alberty Calcium Pantothenate. Misbranding, Section 502 (a), certain statements and designs in the labeling were false and misleading since they represented and implied that the article would prevent hair from turning gray and would change the color of hair that had turned gray. The article would not be efficacious for the purposes claimed.

The articles, with the exception of the *Ri-Co Tablets, Alberty's Lebara Pellets, Alberty's Sabinol, Cheno Herb Tea Laxative, Cheno Preparation of Phytolacca Berry Juice, Alberty's Lebara No. 2 Pellets,* and *Alberty Calcium Pantothenate,* were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: On November 3, 1944, no claimant having appeared, judgment was entered ordering that the products be destroyed.

2058. Misbranding of soluble Gelatin Silvertone Capsules. U. S. v. 104 Boxes of Soluble Gelatin Silvertone Capsules. Default decree of condemnation and destruction. (F. D. C. No. 21942. Sample No. 65173–H.)

LIBEL FILED: December 4, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 26, 1946, by the Jamco Co., from New York, N. Y.

PRODUCT: 104 boxes each containing 24 *Soluble Gelatin Silvertone Capsules* at Philadelphia, Pa. Examination of the product showed that it had the composition stated on the label.

LABEL, IN PART: "24 Soluble Gelatin Silvertone Capsules Pennyroyal ¼ Min. Oil Tansy ¼ Min. Apiol Fluid Green ¼ Min. Oil Rue ¼ Min.," or "Oil of Pennyroyal ¼ Min. Oil of Tansy ¼ Min. Apiol Fluid Green ¼ Min. Quinine Sulphate ¼ grain Aloin ⅛ grain."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the directions appearing on the labeling failed to indicate the reason for using the article.

DISPOSITION: January 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2059. Misbranding of Sol-A-Min. U. S. v. 366 Packages of Sol-A-Min. Default decree of condemnation and destruction. (F. D. C. No. 20536. Sample Nos. 52567–H to 52569–H, incl.)

LIBEL FILED: July 15, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 20 and June 10 and 11, 1946, by Universal Drug Products, Inc., from Cleveland, Ohio.

PRODUCT: 366 assorted 10-ounce and 12-ounce packages of *Sol-A-Min* at Louisville, Ky.

LABEL, IN PART: "Sol-A-Min A Vitamin and Mineral Dietary Supplement Including Vitamin B Complex."

NATURE OF CHARGE: Misbranding, Section 502 (f), the labeling of the article failed to bear adequate directions for use in the diseases and conditions of rheumatism, change of life, and children's colds, for use to effect the purposes of enduing the user with health, energy, pep, vitality, and better eyesight, and for use in preventing diseased tonsils, appendicitis, ulcers, diseased gall bladder, disorders of the glands, and cancer, which were the diseases, conditions, and purposes for which the article was offered in its advertising disseminated and sponsored by and on behalf of its manufacturer or packer.

Further misbranding (10-ounce packages only), Section 502 (c), the common or usual name of each active ingredient required by Section 502 (e) was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it was in small type and difficult to read, and the other statements and designs were prominently placed on the label.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2060. Misbranding of Gar-Par, Garminicin, Arko, and Ronox. U. S. v. 41 Bottles of Gar-Par, 12 Bottles of Garminicin, 9 Bottles of Arko, and 11 Bottles of Ronox. Default decree of condemnation and destruction. (F. D. C. No. 20484. Sample Nos. 17796-H to 17800-H, incl., 38001-H.)

LIBEL FILED: August 2, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of June 4, 1945, and April 18, 1946, by Vegetrates, Inc., from Los Angeles, Calif.

PRODUCT: 13 300-tablet size bottles and 28 75-tablet size bottles of *Gar-Par*, 5 200-tablet size bottles and 7 100-tablet size bottles of *Garminicin*, 6 200-tablet size bottles and 3 425-tablet size bottles of *Arko*, and 3 100-tablet size bottles and 8 50-tablet size bottles of *Ronox* at Chicago, Ill. A number of copies of a booklet entitled "The Curse of the Age" were supplied to the consignee by a representative of the shipper.

LABEL, IN PART: "Ronox (Improved) Six tablets daily provide the following amounts: Whole Liver Extract 1:20 2 Grams Vitamin B_1 * * * 3 Mgms. Vitamin B_2 * * * 6 Mgms. Iron (Reduced iron) 60 Mgms. Red Bone Marrow 3 Grs. Hemoglobin ½ Gr. Vitamin C (Ascorbic Acid) 30 Mgms. Niacin 30 Mgms. Calcium Pantothenate 2 Mgms. Vitamin B_6 (Pyridoxine) 1 Mgs."; "Gar-Par Dehydrated powdered garlic free from peelings or shucks and powdered parsley"; "Garminicin * * * Contains: Dehydrated Garlic, Parsley, Kelp, Alfalfa. Also contains 5 Mgms. Niacinamide (5000 Micrograms) per tablet"; "Arko Dehydrated Powdered Okra."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the products failed to bear adequate directions for use in the treatment of the conditions, and to effect the purposes, for which the articles were offered in the booklet "The Curse of the Age." The *Gar-Par* and *Garminicin* were represented to be treatments for infectious diseases, intestinal disorders and upsets, a great many ills, conditions of the chest, excessive stomach acidity, and unpleasant sensations associated with high blood pressure, such as dizziness, headaches, nervousness and falling of pressure, indigestion, physical and mental depression and exhaustion, and a run-down condition. The *Gar-Par* and *Garminicin* were represented also to be effective to help relieve high blood pressure, to give the user strength, to keep the user fit generally, to expel worms, to produce soothing effects in diarrhea, to benefit the intestinal tract, to build the user up physically, to maintain sound health and prevent future trouble, to control and normalize abnormal blood pressure symptoms, and to insure against feeling prematurely old.

Further misbranding, Section 502 (f) (1), the *Arko* was represented to be effective for easing stomach ulcer misery. The *Ronox* was offered as a treatment for tiredness, listlessness, poor appetite, depression and miserable feeling, nervousness, headaches, pains, colds, susceptibility to infections, etc.; for simple anemia with its accompanying misery of being weak, scrawny, ambitionless, and pale; for shortness of breath after the slightest exertion; and for palpitation and general debility. The *Ronox* was represented to be effective to ease stomach ulcer misery; to make men and women over 40 feel years younger; to produce healthful strength, energy, power, and endurance; to prevent the body from weakening and growing old; to supply and maintain normal strength, energy, power, vitality, and normal endurance; and to aid run-down, pale, weak, listless, and irritable people.

DISPOSITION: October 1, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2061. Misbranding of J. C. Miles' Medicine Laxative. U. S. v. 68 Dozen Bottles of J. C. Miles' Medicine Laxative. Decree of condemnation and destruction. (F. D. C. No. 20373. Sample Nos. 54402-H, 54404-H.)

LIBEL FILED: June 26, 1946, Middle District of Georgia.

ALLEGED SHIPMENT: On or about May 1 and 18, 1946, from Cincinnati, Ohio.

PRODUCT: 68 dozen bottles of *J. C. Miles' Medicine Laxative* at Moultrie, Ga.

LABEL, IN PART: "J. C. Miles' Medicine Laxative, Carminative * * * Active Laxative Ingredients: Sodium Sulphate, Aloe, Senna, Buckthorn, Cascara Sagrada and Sodium Phosphate. Active Carminative Ingredients: Cinnamic

Aldehyde, Fennel, Ginger, Calamus, and Oil Cassia. Prepared for J. C. Miles Rocky Mt., N. C."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of stomach trouble, ulcerated stomach, kidney, liver, and bladder trouble, yellow eyeballs, nervousness, rheumatism, high and low blood pressure, pimples, boils, pellagra, worms in children, syphilis, and conditions incident to "change of life," in ridding the body of sickness, and in curing the sick, worn-out, and bedridden, which were the conditions for which the article was offered in its advertising sponsored by J. C. Miles, its manufacturer and packer.

DISPOSITION: November 19, 1946. J. C. Miles, claimant, having filed an answer denying that the product was misbranded, and having failed to defend the matter further, a motion by the Government to strike the claim of J. C. Miles was granted. Judgment of condemnation was entered, and the product was ordered destroyed.

2062. Misbranding of B-I-F Combination. U. S. v. 39 Cartons of B-I-F Combination (and 1 other seizure action against B-I-F Combination). Default decrees of condemnation and destruction. (F. D. C. Nos. 19962, 20236. Sample Nos. 156–H, 41900–H.)

LIBELS FILED: May 28 and June 13, 1946, Southern District of Florida and Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 19, 1945, and February 25 and March 8, 1946, by W. C. Hughes & Co., Inc., from Baltimore, Md.

PRODUCT: *B–I–F Combination.* 39 cartons, each containing 2 bottles, at Tampa, Fla., and 41 cartons, each containing 2 bottles, at Wilmington, N. C. One of the bottles in each of the cartons contained an emulsion, and the other bottle contained an injection preparation.

LABEL, IN PART: (Carton) "B–I–F Combination Emulsion contains: Balsam Copaiba Oil Cassia, U. S. P. Potassium Hydroxide, U. S. P. Powdered Acacia, U. S. P. Sugar Glycerin, U. S. P. Injection contains: Zinc Acetate, U. S. P. Carbolic Acid, U. S. P. Glycerin, U. S. P. Caramel"; (both bottles) "Purchasers wishing to avoid attention in the use of this article, are advised to place the bottle in water a few moments after which this label can readily be removed"; (leaflet enclosed in some cartons) "B–I–F Combination An Emulsion (For Internal Use) An Injection (With Syringe) Directions Shake the bottle containing the Injection which is red, fill the syringe full, and inject the contents slowly into the urinal passage, holding the syringe in the right hand. Allow the medicine to remain 20 to 30 seconds. The Emulsion, which is white, should be taken internally three times a day, before meals, in teaspoonful doses, in the morning on arising, at noon and at bedtime. The injection should be used about the same time, and always after passing water."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article was false and misleading since it represented and created the impression that the article, when taken as directed, would be effective in the treatment of gonorrhea, whereas the article would not be effective for such purpose; and, Section 502 (f) (1), the labeling of the portion of the article which did not contain the leaflet failed to bear adequate directions for use.

DISPOSITION: August 7 and November 25, 1946. No claimant having apeared, judgments of condemnation were entered and the product was ordered destroyed.

2063. Misbranding of Kamala-Nicotine Poultry Tablets and Ankala Powder. U. S. v. 148 Bottles of Kamala-Nicotine Poultry Tablets and 10 Cases of Ankala Powder. Decree of condemnation and destruction. (F. D. C. No. 19695. Sample Nos. 19318–H, 19319–H.)

LIBEL FILED: April 26, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 3 and April 5, 1945, by the Research Products Corporation, from Kansas City, Mo.

PRODUCT: 148 100-tablet bottles of *Kamala-Nicotine Poultry Tablets* and 10 cases, each containing 6 5-pound cans, of *Ankala Powder* at Des Moines, Iowa. Analyses disclosed that the *Kamala-Nicotine Poultry Tablets* consisted of nicotine sulfate, kamala extract, calomel, and probably a kaolin base; and that the *Ankala Powder* consisted essentially of sodium hydroxide, sodium

carbonate, sodium chloride, carbolic acid, phenolphthalein, and copper sulfate, together with a color.

NATURE OF CHARGE: *Kamala-Nicotine Poultry Tablets.* Misbranding, Section 502 (a), the name of the article "Kamala-Nicotine Poultry Tablets" was misleading, since the article was designated by a name which included and suggested the name of two, but not all, of its ingredients, and it failed to indicate the presence therein of calomel, a potent drug; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the directions which appeared on the label were not adequate in that the label failed to reveal the purpose for following those directions.

Ankala Powder. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the directions which appeared on the label were not adequate in that the label failed to reveal the purpose for following those directions; and, Section 502 (i), the container of the article was so filled as to be misleading, since the powder occupied only approximately 69 percent of the capacity of the can.

DISPOSITION: July 16, 1946. The sole intervener having withdrawn his claim, judgment of condemnation was entered and the products were ordered destroyed.

2064. Misbranding of Corbin's Sheep Salt Wormer and Corbin's Sheep Salt. U. S. v. 80 Bags of Corbin's Sheep Salt Wormer and 200 Bags of Corbin's Sheep Salt. Default decree of condemnation. Product ordered delivered to the United States Department of Agriculture. (F. D. C. No. 19712. Sample Nos. 34409–H, 34410–H.)

LIBEL FILED: April 29, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about September 17, 1945, by the Pearson Ferguson Co., from Kansas City, Mo.

PRODUCT: 80 100-pound bags of *Corbin's Sheep Salt Wormer* and 200 100-pound bags of Corbin's Sheep Salt at Colby, Kans.

NATURE OF CHARGE: *Corbin's Sheep Salt Wormer.* Misbranding, Section 502 (a), the label designation "Wormer" was false and misleading since the article was not effective as a wormer for sheep; and (both articles), Section 502 (f) (1), the labels failed to bear adequate directions for use since they bore no directions for use.

DISPOSITION: July 10, 1946; amended July 15, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to the United States Department of Agriculture, for agricultural purposes.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

2065. Adulteration of Ve-Ta-Co. U. S. v. S. Pfeiffer Manufacturing Co. Plea of guilty. Fine, $1,000. (F. D. C. No. 21513. Sample No. 34957–H.)

INFORMATION FILED: December 23, 1946, Eastern District of Missouri, against the S. Pfeiffer Manufacturing Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about May 15, 1946, from the State of Missouri into the State of Illinois.

LABEL, IN PART: (Bottle) "Ve-Ta-Co Liquid Vitamin B_1 And Iron."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess. It purported and was represented to contain 1,200 U. S. P. units of vitamin B_1 (thiamine hydrochloride) per fluid ounce, but it contained a smaller amount.

DISPOSITION: January 10, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $1,000.

2066. Adulteration of calcium gluconate. U. S. v. 16 Cartons of Calcium Gluconate. Default decree of condemnation and destruction. (F. D. C. No. 21647. Sample No. 43067–H.)

LIBEL FILED: November 13, 1946, District of Columbia.

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*See also No. 2056.

PRODUCT: 16 cartons, each containing 25 ampules, of *calcium gluconate* in possession of the Meredyth Co., Washington, D. C.

LABEL, IN PART: (Ampules) "Intravenous Intramuscular * * * Medicinals, Inc. Richmond Hill, N. Y."; (cartons) "Ampules Medi-Gluconate 10%."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Calcium Gluconate Injection," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was not clear and was not free of turbidity and undissolved material, as is required by the Pharmacopoeia.

DISPOSITION: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2067. Adulteration of iron cacodylate. U. S. v. 39 Vials of Iron Cacodylate. Default decree of condemnation and destruction. (F. D. C. No. 21912. Sample No. 65266–H.)

LIBEL FILED: December 3, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 1, 1946, by Medicinals, Inc., from Richmond Hill, N. Y.

PRODUCT: 39 vials, each containing 100 cc., of a solution of *iron cacodylate* at Philadelphia, Pa.

LABEL, IN PART: "Sterile Solution Iron Cacodylate * * * Dosage 5 cc. intravenously."

NATURE OF CHARGE: Adulteration, Section 501 (c), the article was a drug represented for intravenous administration, and its purity and quality fell below that which it was represented to possess, since it was contaminated with undissolved material. A drug for intravenous administration should not contain undissolved material.

DISPOSITION: January 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2068. Adulteration of estrogenic substance. U. S. v. 13 Vials of Estrogenic Substance. Default decree of condemnation and destruction. (F. D. C. No. 22334. Sample No. 49347–H.)

LIBEL FILED: December 27, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 19, 1946, by the C. B. Kendall Co., from Indianapolis, Ind.

PRODUCT: 13 vials of a solution of *estrogenic substance* at New Orleans, La. Examination showed that the estrogens present in the product did not consist of estrogens as they occur in, and are extracted from, pregnant mares' urine.

LABEL, IN PART: "Vial Sterile Solution Estrogenic Substance A purified preparation of naturally occurring estrogenic substances from pregnant mare's urine."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), a substance, estrogenic material different from that occurring in pregnant mares' urine, had been substituted in whole or in part for naturally occurring estrogenic substances from pregnant mares' urine, which the article was represented to be.

DISPOSITION: January 31, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2069. Adulteration and misbranding of estrogenic substance. U. S. v. 1 Bottle of Estrogenic Substance. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16172. Sample No. 13570–H.)

LIBEL FILED: May 12, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 1, 1945, by W. F. Straub and Co., from Chicago, Ill.

PRODUCT: 1 bottle of *estrogenic substance* at Columbus, Ohio. Examination showed that the potency of the article was not more than 5,600,000 International Units of estrone per gram.

LABEL, IN PART: Estrogenic Substances 55.55 Grams Lot #00662 Whole Natural Crystalline Estrogenic Hormones from Pregnant Mares' Urine consisting mainly of Estrone and Estradiol, 9,000,000 I. U. per Gram."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess.

Misbranding, Section 502 (a), the statement on the label, "Estrogenic Hormones from Pregnant Mares' Urine consisting mainly of Estrone and Estradiol, 9,000,000 I. U. per Gram," was false and misleading as applied to the article, the potency of which was not more than 5,600,000 International Units of estrone per gram.

DISPOSITION: June 29, 1945. The Borden Co. and W. F. Straub & Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

2070. Adulteration of isotonic solution of sodium chloride. U. S. v. 3,800 Vials of Isotonic Solution of Sodium Chloride. Default decree of condemnation and destruction. (F. D. C. No. 21866. Sample Nos. 38879–H, 39515–H.)

LIBEL FILED: December 19, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 29, 1946, by the Cheplin Biological Laboratories, Inc., from Syracuse, N. Y.

PRODUCT: 3,800 20-cc. vials of *isotonic solution of sodium chloride* at Milwaukee, Wis.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Sterile Isotonic Solution of Sodium Chloride for Parenteral Use," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: January 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2071. Adulteration of sodium iodide, sodium thiosulfate, and Hormegen. U. S. v. 11 Boxes of Sodium Iodide Ampuls, 3 Boxes of Sodium Thiosulfate Ampuls, and 2 Boxes of Hormegen Ampuls. Default decrees of condemnation and destruction. (F. D. C. Nos. 20767, 21586. Sample Nos. 54227–H, 54228–H, 65169–H.)

LIBELS FILED: On or about September 16 and October 30, 1946, Southern District of Florida and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 30, 1945, and July 11 and 18, 1946, by the Estro Chemical Co., Inc., from New York, N. Y.

PRODUCT: 11 boxes, each containing 25 ampuls, of *sodium iodide* and 3 boxes, each containing 25 ampuls, of *sodium thiosulfate* at Miami, Fla., and 1 box, containing 100 ampuls, and 1 box, containing 6 ampuls, of *Hormegen* at Philadelphia, Pa. Examination showed that the ampuls of *sodium iodide* and *sodium thiosulfate* contained undissolved material, and that the potency of the *Hormegen* was equivalent to 82,500 International Units of estrone per cubic centimeter.

LABEL, IN PART: "Sodium Iodide 15½ grs. Intravenous," "Sodium Thiosulfate 10% Intravenous," or "Ampul 1 cc. Size Hormegen 50,000 I. U. * * * Distributed by Physicians' Drug & Supply Co. Philadelphia, Pa."

NATURE OF CHARGE: *Sodium iodide and sodium thiosulfate.* Adulteration, Section 501 (b), the articles purported to be and were represented as "Ampuls of Sodium Iodide" and "Ampuls of Sodium Thiosulfate," drugs the names of which are recognized in the National Formulary, an official compendium, but their quality and purity fell below the official standard since they were contaminated with undissolved material.

Hormegen. Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., "Each cc. is biologically standardized to a potency equivalent to 50,000 I. U. of Estrone U. S. P."

DISPOSITION: November 26 and December 9, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2072. Adulteration and misbranding of thiamine chloride tablets. U. S. v. 50 11/12 Dozen Bottles of Thiamin Chloride Tablets. Consent decree of condemnation and destruction. (F. D. C. No. 15393. Sample Nos. 66982–F, 20109–H to 20113–H, incl.)

LIBEL FILED: On or about February 24, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of January 20, 1942, and April 1, 1943, by Oxford Products, Inc., from Cleveland, Ohio.

PRODUCT: *Thiamine chloride tablets.* 501 1½2 dozen bottles, each bottle containing 50, 100, or 250 tablets, at North Kansas City, Mo. Examination showed a deficiency in thiamine chloride in amounts varying from 26 percent to 56 percent.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Thiamine chloride," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard since the tablets contained less than 95 percent of the amount of thiamine chloride declared on the label.

Misbranding, Section 502 (a), the following statements on the labels of the various lots were false and misleading: "1 Mg. equivalent to 330 units per tablet," "3.3 Mg. equivalent to 1100 units per tablet," "5 Mg. equivalent to 1650 units per tablet," and "1 Mg. each tablet contains not less than 330 International Units." The tablets contained less than the stated amounts of thiamine chloride.

DISPOSITION: On November 6, 1945, Oxford Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled or retabletted. On October 7, 1946, the decree was amended to permit the destruction of the product by the claimant, under the supervision of the Food and Drug Administration.

2073. Adulteration of soda mint and pepsin tablets and Enteric SC Red Tablets. U. S. v. 1 Drum of Soda Mint and Pepsin Tablets and 1 Drum of Enteric SC Red Tablets. Default decrees of condemnation and destruction. (F. D. C. Nos. 16771, 16810. Sample Nos. 10095–H, 20078–H.)

LIBELS FILED: June 30 and July 7, 1945, Western District of Pennsylvania and District of Nebraska.

ALLEGED SHIPMENT: January 12 and March 23, 1944, by Charles H. Dietz, Inc., from East St. Louis, Ill., and St. Louis, Mo.

PRODUCT: 1 drum containing 109,000 compressed *soda mint and pepsin tablets* at Duquesne, Pa., and 1 drum containing 26,000 *Enteric SC Red Tablets* at Omaha, Nebr. Examination showed that the *soda mint and pepsin tablets* contained no pepsin, and that the *Enteric SC Red Tablets* contained kamala and approximately 0.88 grain of nicotine sulfate.

LABEL, IN PART: "Compressed Tablets Soda Mint and Pepsin R/79 Each tablet contains: Sodium Bicarbonate USP 4½ Grs. Pepsin 1:3000—½ Gr.," or "Poison Special Enteric SC Red Tablet R/2940 Each C. T. contains: Nicotine Sulphate 1.932 Grs. Kamala 8 Grs. For Veterinary Use Only."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the articles differed from that which they purported and were represented to possess.

DISPOSITION: September 19 and 21, 1945. No claimant having appeared for either product, judgments of condemnation were entered and the products were ordered destroyed.

2074. Adulteration and misbranding of surgical dressing. U. S. v. Albert H. Tessier (Handy Pad Supply Co.). Plea of nolo contendere. Fine, $500. (F. D. C. No. 12562. Sample Nos. 49474–F, 56741–F, 58686–F.)

INFORMATION FILED: October 18, 1944, District of Massachusetts, against Albert H. Tessier, trading as the Handy Pad Supply Co., Worcester, Mass.

ALLEGED SHIPMENT: On or about July 15 and 22, 1943, and April 25, 1944, from the State of Massachusetts into the States of Virginia, New York, and Kentucky.

LABEL, IN PART: "Small [or "Large"] First Aid Dressings U. S. Army Carlisle Model Sterilized," or "Bandage Compresses 2 Inch Dyed Dressings Sterilized."

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the articles fell below that which they purported and were represented to possess, since they purported and were represented to be sterile, whereas they were not sterile but were contaminated with micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterilized" was false and misleading.

DISPOSITION: February 11, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $500.

2075. Adulteration and misbranding of prophylactics. U. S. v. The Perfection Rubber Co. and William B. Augustine. Pleas of guilty. Fines of $800 and costs imposed upon each defendant; payment of fine against corporation suspended. (F. D. C. No. 20936. Sample Nos. 10958–H, 13987–H, 21445–H, 22380–H.)

INFORMATION FILED: October 17, 1946, Northern District of Ohio, against the Perfection Rubber Co., a corporation, Akron, Ohio, and William B. Augustine, president of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of July 10 and August 2, 1945, from the State of Ohio into the States of Pennsylvania, Indiana, Kansas, and Illinois.

PRODUCT: Samples of the product were found to contain holes in amounts varying from 7.4 percent to 33 percent.

LABEL, IN PART: "Blow Perfection Tested," "Perfection Latex Gold Band Supreme Quality Prophylactics," or "Safe-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, in that the article purported to be and was represented as a prophylactic, whereas it was not a prophylactic since it was ineffective for prophylaxis because of the presence of holes.

Misbranding, Section 502 (a), the following statements appearing variously on the labeling were false and misleading: "Perfection Blow Tested Quality Supreme 100% * * * for the prevention of disease only," "Perfection Supreme Quality Prophylactics," "Safe-Tex Prophylactics * * * An Aid for Prevention of Disease," "Sold for Prevention of Disease," or "Safe-Tex." These statements represented and suggested that the article was a prophylactic, and that it would be effective for the prevention of disease, whereas it would not be effective for such purposes because of the presence of holes.

DISPOSITION: December 2, 1946. Pleas of guilty having been entered, fines of $800 and costs were imposed upon each defendant. Payment of fine and costs imposed upon the corporation was suspended.

2076. Adulteration and misbranding of prophylactics. U. S. v. Killashun Sales Division, a partnership, and James L. Tyrrell and Maurice Gusman. Pleas of nolo contendere. Fine of $5,500 against partnership; fine of $1,375 against each individual. (F. D. C. No. 17819. Sample Nos. 68748–F, 97657–F, 10225–H, 18826–H, 22115–H, 24184–H.)

INDICTMENT RETURNED: May 15, 1946, Northern District of Ohio, against the Killashun Sales Division, a partnership, Akron, Ohio, and James L. Tyrrell and Maurice Gusman, members of the partnership.

ALLEGED SHIPMENT: Between the approximate dates of August 22, 1944, and January 13, 1945, from the State of Ohio into the States of Indiana, Minnesota, Pennsylvania, Missouri, and Louisiana.

PRODUCT: Examination of samples showed that the proportion of the product containing holes varied from 4.9 percent to 8.3 percent.

LABEL, IN PART: "Texide Rubber Sheaths * * * Manufactured By L. E. Shunk Latex Products, Inc. Akron, Ohio," "X Cello's [or "Silver-Tex"] Prophylactics Manufactured By The Killian Mfg. Company Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, in that the article purported to be and was represented as a prophylactic, whereas it was not a prophylactic since it was ineffective for prophylaxis because of the presence of holes.

Misbranding, Section 502 (a), the statement "Prophylactics" borne on the labels of portions of the article was false and misleading.

DISPOSITION: October 18, 1946. Pleas of nolo contendere having been entered, the court imposed a fine against the partnership of $500 on each of the 11 counts of the indictment and a fine against each individual of $125 on each of the 11 counts.

2077. Adulteration and misbranding of prophylactics. U. S. v. 150 Gross of Prophylactics (and 1 other seizure action against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 19315, 19791. Sample Nos. 43745–H, 48876–H.)

LIBELS FILED: March 11 and May 8, 1946, Southern Districts of California and Texas.

ALLEGED SHIPMENT: On or about October 2 and 3 and November 9 and 17, 1945, and March 22, 1946, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: *Prophylactics.* 150 gross at Los Angeles, Calif., and 68 gross at Houston, Tex. Samples of the product were defective since they contained holes or ruptured under slight pressure.

LABEL, IN PART: "Koin-Pack Prophylactics," "Koin-Pack Sold for the Prevention of Disease," or "Silver-Tex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic," "Prophylactics * * * Tested," and "for the Prevention of Disease" were false and misleading as applied to articles which contained holes or which ruptured under slight pressure.

DISPOSITION: May 23 and July 19, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2078. Adulteration and misbranding of prophylactics. U. S. v. 299 Gross, 25 Gross, and 30 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 15835, 16031. Sample Nos. 17923–H, 17924–H, 19131–H.)

LIBELS FILED: On or about April 12 and May 12, 1945, Northern District of Illinois and District of Minnesota.

ALLEGED SHIPMENT: On or about March 5, 6, and 9, 1945, by the Akron Drug and Sundries Co., from Akron, Ohio.

PRODUCT: *Prophylactics.* 324 gross at Chicago, Ill., and 30 gross at Minneapolis, Minn. Samples of the product were found to be defective because of the presence of holes.

LABEL, IN PART: "Derbies Manufactured for Jay Dee Drug Co., Chicago, Ill., by the Killian Manufacturing Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "For the Prevention of Disease" was false and misleading as applied to an article containing holes.

DISPOSITION: July 13, 1945, and January 30, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2079. Adulteration and misbranding of prophylactics. U. S. v. 3 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 17287. Sample No. 21445–H.)

LIBEL FILED: On or about September 26, 1945, District of Kansas.

ALLEGED SHIPMENT: On or about July 13, 1945, by the Perfection Rubber Co., from Akron, Ohio.

PRODUCT: 3 gross of *prophylactics* at Topeka, Kans. Samples of the product were found to be defective because of the presence of holes.

LABEL, IN PART: "Gold Band Perfection Supreme Quality Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Perfection Supreme Quality Prophylactics" was false and misleading as applied to an article which contained holes.

DISPOSITION: October 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2080. Adulteration and misbranding of prophylactics. U. S. v. 75 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 15846, 16002, 16181, 19450. Sample Nos. 2616–H, 13593–H, 24345–H, 58775–H.)

LIBELS FILED: March 30 and May 7 and 14, 1945, and March 20, 1946, Western District of Louisiana, Eastern District of Tennessee, Southern District of West Virginia, and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of January 15, 1945, and February 6, 1946, by the Crown Rubber Sundries Co., from Akron, Ohio.

PRODUCT: *Prophylactics.* 75 gross at Alexandria, La., 4½ gross at Knoxville, Tenn., 23 gross at Charleston, W. Va., and 16 gross at Boston, Mass. Examination of samples disclosed that the article was defective in that it contained holes.

LABEL, IN PART: "Tetratex," "Red-Pak," "Gold Pak," or "Xcello's."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements on the labels of portions of the article were false and misleading as applied to articles containing holes: (Red-Pak and Xcello's Brand) "Prophylactics"; (Tetratex Brand) "Prophylactics" and "For Prevention of Venereal Disease"; (Gold Pack Brand) "For your protection," "For Prevention of Disease," "Guaranteed Five Years," and "Represents the highest quality of Prophylactics."

DISPOSITION: June 15 and September 13, 1945, and April 29 and June 17, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2081. Adulteration and misbranding of prophylactics. U. S. v. 34½ Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 18845, 19269, 19343, 19356, 21098. Sample Nos. 19434–H, 19884–H, 26397–H, 47330–H, 49967–H.)

LIBELS FILED: Between the dates of January 15 and September 20, 1946, District of Minnesota, District of Colorado, Eastern District of Louisiana, and Western District of Texas.

ALLEGED SHIPMENT: Between the approximate dates of October 17, 1945, and July 25, 1946, by the Dean Rubber Manufacturing Co., from North Kansas City, Mo.

PRODUCT: *Prophylactics.* 60⅙ gross at Minneapolis, Minn., 8 gross at Denver, Colo., 9 gross at El Paso, Tex., and 19 gross at New Orleans, La. Samples of the product were found to be defective because of the presence of holes.

LABEL, IN PART: "Peacocks," "Ultrex Platinum," "Peacock Reservoir Ends Victory Package."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the articles fell below that which they purported and were represented to possess.

Misbranding, Section 502 (a), the label statements "Scientifically Tested * * * For Your Protection * * * Guaranteed against deterioration for two years," and "An aid in preventing venereal disease * * * Scientifically tested" were false and misleading as applied to these articles, which contained holes.

DISPOSITION: Between the dates of March 5 and October 22, 1946, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2082. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 21119. Sample No. 60043–H.)

LIBEL FILED: September 30, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 30, 1946, by the Dean Rubber Manufacturing Co., from North Kansas City, Mo.

PRODUCT: 24 gross of *prophylactics* at Erie, Pa. Examination of 144 samples of the product showed that 3.5 percent were defective in that they contained holes.

LABEL, IN PART: "3 Dean's Peacocks Reservoir End."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements on the three-unit package, "Tested Dean's reservoir end Peacocks are tested on new modern equipment for your protection. An aid in preventing venereal diseases," were false and misleading.

DISPOSITION: October 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

2083. Misbranding of Concentra. U. S. v. Jean Ferrell, Inc., and Roy Blackmer. Pleas of nolo contendere. Fines of $2,000 and costs against the corporation and $500 and costs against the individual defendant. (F. D. C. No. 20114. Sample Nos. 12986–H, 20265–H.)

INFORMATION FILED: December 9, 1946, Northern District of Illinois, against Jean Ferrell, Inc., Chicago, Ill., and Roy Blackmer, vice president of the corporation.

ALLEGED SHIPMENT: From the State of Illinois into the States of Ohio and Kansas. The product was shipped on or about February 5 and April 3, 1945. A number of leaflets entitled "Concentra" were shipped with the consignment of February 5, 1945, and a number of the same leaflets were shipped on or about February 1, 1945, to the consignee of the April 3, 1945, shipment.

PRODUCT: Analysis disclosed that the product consisted essentially of powdered plant material, including a laxative drug such as rhubarb root.

LABEL, IN PART: "Concentra A Laxative Compound."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading since they represented and suggested that the article would be of value as a source of vitamins and minerals; that it contained "much nutritional value"; that it would be efficacious to assist nature in cleansing the system and keeping it clean; that it would be efficacious to overcome diseases such as kidney trouble, bladder trouble, and rheumatism; that it would be efficacious in the treatment of spastic colon, overweight, tired, worn-out feeling, neuritis, goiter, sore and stiff joints in hands and knees, headaches, nervous disorders, arthritis, bad eyes, loss of hair, poor vision, gall bladder trouble, intestinal flu, thyroid conditions, dropsical conditions, broken veins, diabetes, acid condition, and sinus trouble and sinus infection; and that it would be efficacious to eliminate all poisons from the system. The article would not be of value as a source of vitamins and minerals, since it contained insignificant amounts, if any, of vitamins and minerals; it contained but small amounts of substances possessing nutritional value; and it would not be efficacious for the purposes represented.

DISPOSITION: January 20, 1947. A plea of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $2,000 and costs against the corporate defendant and a fine of $500 and costs against the individual defendant.

2084. Misbranding of UtraJel. U. S. v. Pynosol Laboratories, Inc., and Edwin G. Melich. Motion to quash denied. Plea of guilty. Corporate defendant fined $1,000; individual defendant placed on probation for 2 years. (F. D. C. No. 16582. Sample No. 51654–F.)

INDICTMENT RETURNED: January 15, 1946, Northern District of Illinois, against Pynosol Laboratories, Inc., Chicago, Ill., and Edwin G. Melich, president of the corporation.

ALLEGED SHIPMENT: On or about November 27, 1943, from the State of Illinois into the State of Massachusetts.

PRODUCT: Analysis disclosed that the product was a yellow semi-solid, consisting essentially of pine needle oil, potassium soap, combined iodine, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the article "UtraJel" was misleading since the name represented and suggested and created the impression that the article was an appropriate and a safe medicament for introduction into the uterus. The article was not an appropriate and a safe medicament for introduction into the uterus, but was dangerous and capable of producing serious and even fatal consequences.

DISPOSITION: A motion to quash the indictment was filed on behalf of the defendant on the ground that the name of the article did not indicate that it was a safe medicament for introduction into the uterus; and on March 15, 1946, such motion was denied. Pleas of guilty were entered on June 21, 1946; and on October 3, 1946, the corporate defendant was fined $1,000 and costs, and the individual defendant was placed on probation for 2 years.

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*See also Nos. 2057, 2062, 2069, 2072, 2074–2082; veterinary preparations, Nos. 2063, 2064.

2085. Misbranding of Balancets, Formula Nos. 1, 2, 3, 8, 12, 13, and 19. U. S. v. Food Balance Corporation. Plea of guilty. Fine, $250 and costs. (F. D. C. No. 16546. Sample Nos. 9264–F, 68152–F, 68153–F, 71775–F, 90415–F to 90417–F, incl.)

INFORMATION FILED: November 26, 1945, Northern District of Illinois, against the Food Balance Corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and October 12, 1944, from the State of Illinois into the States of Texas, Ohio, Idaho, and Tennessee.

PRODUCT: Analysis of samples disclosed that the products consisted chiefly of dried herbs or dried vegetable material.

LABEL, IN PART: "Balancets Formula No. 1 Aids in Anemia"; "No. 2 Aids in Nervousness"; "No. 3 Aids in Neurasthenia"; "No. 8 Aids in Weak Kidneys"; "No. 12 Aids in Gallstones"; "No. 13 Aids in Biliousness"; "No. 19 Aids in Sugar in Urine (Known as Diabetes)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in circulars entitled "Balancets Formula No. 1, [or "2, 3, 8, 12, 13, or 19"]," enclosed with the articles, were false and misleading since they represented and suggested that the respective articles would be efficacious in the cure, mitigation, treatment, and prevention of the following diseases and conditions: *Formula No. 1*, anemia; *Formula No. 2*, nervousness; *Formula No. 3*, neurasthenia; *Formula No. 8*, weak kidneys; *Formula No. 12*, gallstones; *Formula No. 13*, biliousness; and *Formula No. 19*, diabetes and sugar in the urine of diabetics. The articles would not be efficacious for the purposes represented.

DISPOSITION: November 7, 1946. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of $100 on count 1 of the information relating to the *Formula No. 19* and a fine of $25 on each of the remaining 6 counts of the information, plus costs.

2086. Alleged misbranding of Cal-O-Dine. U. S. v. Cal-O-Dine, and Kenneth L. Lee and Myron E. Lee. Pleas of not guilty. Tried to a Jury. Verdict of not guilty. (F. D. C. No. 15590. Sample No. 68186–F.)

INFORMATION FILED: November 14, 1945, Northern District of California, against Cal-O-Dine, a partnership, Alameda, Calif., and Kenneth L. Lee and Myron E. Lee, members of the partnership; amended information filed April 1, 1946.

ALLEGED SHIPMENT: From the State of California into the State of Ohio. The product was shipped on or about October 13, 1944, and a number of leaflets entitled "The 'Mysterious'," relating to the product, were shipped within the period from June 1944, through July 1944.

PRODUCT: Analysis of a sample of the product disclosed that it was water, containing the ingredients found in sea water, together with added iodide.

NATURE OF CHARGE: Misbranding, Section 502 (a), the information charged that the label statement, "To supply trace minerals naturally occurring in sea water," was misleading since it created the impression that such trace minerals would have some nutritional or medicinal effect when the article was consumed in accordance with the directions on the label; that the trace minerals would have no nutritional or medicinal effect when consumed as directed; and that the misleading effect of the statement was not corrected by the modifying phrase "though in nutritionally non-significant amounts."

The information charged further that the label statements, "a difference in medical and nutritional opinion exists contrary to representations of value of this product. In favor of the value of trace minerals contained in sea water are the opinions of various medical and nutritional experts qualified by scientific training to evaluate," were false and misleading; that the statements represented and created the impression that there is a difference of opinion among qualified medical and nutritional experts with reference to the uselessness of sea water taken in accordance with the directions on the label of the article, as a dietary supplement and as a remedial agent; and that there is no difference of opinion among qualified medical and nutritional experts with reference to the uselessness of sea water taken in accordance with such directions, as a dietary supplement and as a remedial agent.

The information charged further than the statements in the leaflets when read in connection with the directions for the ingestion of sea water, borne on the label of the article, were misleading since they created the impression that

the ingestion of sea water would serve some useful purpose, whereas the ingestion of sea water would serve no useful purpose. The entire labeling of the article was misleading since it failed to reveal the fact that the article would serve no useful purpose as a nutritional adjuvant and as a drug, except as to the added iodide contained therein, when consumed in accordance with the directions borne on the label of the article, which fact was material in view of the representations in the labeling.

DISPOSITION: Pleas of not guilty having been entered on behalf of the defendants, the case came on for trial before a jury on November 12, 1946. At the conclusion of the trial on November 15, 1946, the jury returned a verdict of not guilty.

2087. Misbranding of Colusa Natural Oil and Colusa Natural Oil Capsules. U. S. v. 122 Bottles of Colusa Natural Oil and 130 Boxes of Colusa Natural Oil Capsules, and 33 circulars (and 54 other seizure actions against Colusa Natural Oil and Colusa Natural Oil Capsules, and circulars). Default decrees of condemnation. Portion of product ordered delivered to the Food and Drug Administration; remainder ordered destroyed. (F. D. C. Nos. 14723, 14730, 14736, 14768, 14958, 14997, 15397, 15410, 15468, 15623, 15631, 15637, 15638, 15663, 15837 to 15839, incl., 15861, 15960 to 15962, incl., 15968, 15981, 15991, 15995, 16014 to 16016, incl., 16028 to 16030, incl., 16171, 16185, 16222, 16223, 16245, 16246, 16451, 16485, 16761, 16777, 16817, 16857, 16930, 16949, 17230, 17715, 17726, 17994, 18005, 18007, 18054, 18057, 18131, 19608. Sample Nos. 46989–F to 46991–F, incl., 70165–F, 70166–F, 79780–F, 88615–F, 88616–F, 88769–F to 88772–F, incl., 246–H, 247–H, 450–H, 451–H, 494–H, 653–H, 654–H, 1112–H, 1113–H, 1196–H, 2010–H, 2011–H, 2624–H, 2688–H, 2765–H, 3422–H, 3429–H, 3634–H, 4009–H, 4086–H, 4087–H, 4230–H, 4327–H, 4328–H, 4332–H to 4334–H, incl., 10009–H, 10010–H, 10044–H, 10045–H, 11122–H, 11149–H, 11254–H, 11255–H, 11514–H, 11515–H, 13785–H, 13786–H, 17209–H to 17212–H, incl., 17368–H, 17369–H, 18000–H, 18269–H, 18270–H, 18333–H, 18334–H, 18370–H, 18371–H, 18582–H, 18671–H, 18672–H, 19101–H, 19102–H, 19149–H, 19174–H, 20297–H, 20298–H, 20371–H, 20372–H, 21261–H, 21262–H, 21639–H, 21640–H, 22142–H, 22143–H, 22164–H, 22165–H, 22857–H, 22858–H, 22860–H, 22861–H, 23915–H, 26832–H, 26833–H, 27337–H to 27340–H, incl., 28948–H, 32941–H, 33648–H, 52403–H.)

LIBELS FILED: Between the dates of December 18, 1944, and April 12, 1946, 55 libels were filed in the appropriate Federal district courts.

ALLEGED SHIPMENT: The drugs were shipped between the approximate dates of January 25, 1944, and January 28, 1946, by the Colusa Remedy Co., from Los Angeles and Hollywood, Calif. The circulars, which were shipped in some instances with the drugs and in other instances before or after the shipment of the drugs, accompanied the drugs when they were introduced into, and while they were in, interstate commerce.

PRODUCT: 1,619 2-fluid ounce bottles and 331 4-fluid ounce bottles of *Colusa Natural Oil* and 967 100-capsule bottles or boxes and 526 200-capsule bottles or boxes of *Colusa Natural Oil Capsules*, and quantities of circulars headed, "Colusa Remedy Co. Field Headquarters Williams, California," at Denver and Lafayette, Colo.; Worcester and Holyoke, Mass.; Parkersburg, Harrisonburg, Grafton, and Beckley, W. Va.; De Kalb, Pekin, and Springfield, Ill.; Aberdeen, Wash.; Lancaster, Edgerton, Oshkosh, and Monroe, Wis.; Raleigh, Kannapolis, Charlotte, and High Point, N. C.; Rochester and New Ulm, Minn.; McCook, Nebr.; Des Moines and Dumont, Iowa; Atlantic City, N. J.; Minot, N. Dak.; Reading, Altoona, Allentown, Lancaster, Pottstown, and Uniontown, Pa.; Tallahassee, Fla.; Hot Springs, Ark.; Frederick, Md.; Joplin, Mo.; Great Falls, Mont.; Covington, Staunton, Lynchburg, and Harrisonburg, Va.; Pittsburg, Kans.; Auburn, Bangor, and Portland, Maine; Anniston, Ala.; Salem, Oreg.; Grand Rapids, Mich.; Norwalk, Ohio; Oklahoma City and Tulsa, Okla.; Muncie and Gary, Ind.; and Augusta, Ga. Examination of samples disclosed the composition of the products to be as stated.

LABEL, IN PART: "Natural Unrefined Petroleum Oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars, and pictures of a man's back, 2 hands, and a leg, before and after treatment, were false and misleading since they represented and suggested that the drugs would be efficacious in the treatment of psoriasis, eczema, leg ulcers, itch, and athlete's foot. When used alone, however, or in combination with each other, the articles would not be efficacious for such conditions.

DISPOSITION: Between the dates of June 12, 1945, and June 25, 1946, no claimant having appeared, judgments of condemnation were entered. One lot of the product was ordered delivered to the Food and Drug Administration for

clinical and experimental purposes, and the remainder of the product was ordered destroyed.

2088. Misbranding of estrogenic hormone. U. S. v. 196 Vials and 198 Vials of Estrogenic Hormone. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 16962, 17228. Sample Nos. 31338–H. 31359–H.)

LIBELS FILED: August 4 and 28, 1945, Southern District of California.

ALLEGED SHIPMENT: On various dates subsequent to January 1, 1945, by the Sherman Laboratories, from Detroit, Mich.

PRODUCT: 196 vials and 198 vials of *estrogenic hormone* at Los Angeles, Calif. Examination showed that the product was an oil solution of estrogenic material consisting essentially of estradiol with an insignificant proportion, if any, of estrone, which is the principal estrogenic hormone occurring in natural sources such as pregnant mares' urine.

LABEL, IN PART: "10 cc. [or "30 cc."] Size Sherman Estrogenic Hormone (in Peanut Oil) 10,000 International Units per cc."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "This Estrogenic Substance [or "Estrogenic Hormone"] is obtained from Pregnant Mares' Urine Consisting Principally of Estrone and Estradiol," were false and misleading since the estrogenic material present in the article did not consist of estrogenic substance as obtained from pregnant mares' urine.

DISPOSITION: March 11, 1946. The cases having been consolidated and removed to the Western District of Michigan, and the Sherman Laboratories, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or to be brought into compliance with the law, under the supervision of the Federal Security Agency.

2089. Misbranding of Female Sex Hormone Estrogenic Ointment Cream. U. S. v. 11 Jars of Female Sex Hormone Estrogenic Ointment Cream. Default decree of condemnation and destruction. (F. D. C. No. 21350. Sample No. 35600–H.)

LIBEL FILED: October 28, 1946, Western District of Tennessee.

ALLEGED SHIPMENT: On or about September 12, 1946, by the Pan American Co., from Dallas, Tex.

PRODUCT: 11 jars of *Female Sex Hormone Estrogenic Ointment Cream* at Memphis, Tenn.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "For Breast Development" was false and misleading since the article was incapable of producing the result indicated; and, Section 502 (e), the article was composed of 2 or more ingredients, and its label failed to bear a statement of each active ingredient since the label statement "Female Sex Hormone Estrogenic Ointment Cream" was the name of a class of drugs, but was not the name of any particular drug.

DISPOSITION: December 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2090. Misbranding of Nef-Tex Tablets. U. S. v. 52 Packages of Nef-Tex Tablets. Default decree of condemnation and destruction. (F. D. C. No. 19203. Sample No. 5422–H.)

LIBEL FILED: February 12, 1946, District of Delaware.

ALLEGED SHIPMENT: On or about October 13 and November 10, 1945, by the Drexel Laboratories, from Drexel Hill, Pa.

PRODUCT: 52 packages of *Nef-Tex Tablets* at Wilmington, Del. Examination of this product showed that the tablets consisted essentially of oxyquinoline sulfate, methyl salicylate, and saccharin.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the carton and bottle label and in an accompanying circular entitled "Conquer those Skin Ailments" were false and misleading. These statements represented and suggested that the article would be effective as an antiseptic for the kidneys, stomach, and intestines; that it would be effective in the treatment of kidney disorders and stomach upsets; and that it would be effective for the

prevention of grippe and common colds. The article would not be effective for such purposes.

DISPOSITION: March 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2091. Misbranding of Procon Tablets. U. S. v. 250 Bottles of Procon Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16445. Sample Nos. 2652–H, 2653–H.)

LIBEL FILED: June 15, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: Between the approximate dates of April 30, 1943, and August 23, 1944, by the Allied Pharmacal Co., from Cleveland, Ohio.

PRODUCT: 124 20-tablet bottles and 126 200-tablet bottles of *Procon Tablets* at Charleston, W. Va.

LABEL, IN PART: "Murray's Procon Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Procon" and the label statement "For The Temporary Relief of Incontinence" were false and misleading because the article would not be effective for the relief of incontinence.

DISPOSITION: November 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2092. Misbranding of Dietary Supplements. U. S. v. 72 Bottles of Wheat Germ Oil Capsules, 31 Bottles of Pure Soy Bean Lecithin Capsules, 12 Bottles of High Potency Vitamin C Tablets, 111 Bottles of Vitamin C Tablets, 10 Bottles of Mineral Capsules, 63 Bottles of Garlic Parsley Capsules, 17 Bottles of Dicalcium Phosphate and Vitamin D Tablets, 133 Bottles of Improved 'B' Complex Tablets, and 36 Jars of Malt-O-Soy, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 15370. Sample Nos. 31967–H, 31973–H to 31983–H, incl.)

LIBEL FILED: May 1, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 2, 1945, by A. Hohensee, from Phoenix, Ariz.

PRODUCT: The above-mentioned *dietary supplements* at San Diego, Calif., together with a number of accompanying display cards entitled "The Wheel O' Life," a number of accompanying booklets entitled "The Health Success and Happiness Lectures 'High Blood Pressure'," and "What About the Vegetables and Fruits We Eat Today?" and a number of accompanying booklets headed "Lecture Series on Health and Progress," with subheadings "How to Think and Attain Success," "Better Eyes Without Glasses," and "Your Personality Glands."

NATURE OF CHARGE: *Wheat Germ Oil Capsules.* Misbranding, Section 502 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Your Personality Glands" and on the display card were false and misleading since they suggested and implied that the article would be effective in the treatment or prevention of the pain and suffering associated with the menopause period; that it would prevent atrophy of the "personality" glands; that use of the article would assure a long life free from suffering and disease; that it would promote general well-being, vigor of personality, and mental and physical vigor; that it would prevent miscarriage and sterility; that it would be efficacious in the prevention and treatment of "angotrophic" lateral sclerosis; and that it would strengthen the sexual power of men. The article would not be effective in the treatment or prevention of the conditions named, nor would it otherwise fulfill the promises of benefit stated and implied.

Pure Soy Bean Lecithin Capsules [or *Pure Soy Bean Lecithin and Vitamin D Capsules*]. Misbranding, Section 502 (a), certain statements in an accompanying booklet entitled "Lecture Series on Health and Progress * * * What is Brain Food?" were false and misleading since they represented and suggested that the article would be effective to nourish the brain, whereas the article would not be effective for such purpose.

Vitamin C Tablets. Misbranding, Section 502 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" were false and misleading since they represented and suggested that the article would correct or prevent faulty vision or other eye conditions, hay fever, asthma, and catarrh, whereas the article, either alone or in combination with other treatments, would not be effective for such purposes.

Mineral Capsules. Misbranding, Section 502 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and "What About the Vegetables and Fruits We Eat Today?" and certain statements on the display card, were false and misleading since they represented and suggested that the article would prevent or correct faulty vision, asthma, hay fever, and sinus difficulties. The article, either alone or in combination with other treatments, would not be effective for such purposes.

Garlic Parsley Capsules. Misbranding, Section 502 (a), certain statements in the booklets entitled "The Health, Success and Happiness Lectures * * * 'High Blood Pressure'" were false and misleading since they represented and suggested that the article would be effective in the treatment or prevention of high blood pressure, hardening of the arteries, headache, ear noises, rushing of blood to the head, heart palpitation, general weakness and debility, intestinal putrefaction, constipation, dyspepsia, "pyles," worms, influenza, rheumatism, chronic catarrh, and tuberculosis. The article would not be effective for such purposes.

Dicalcium Phosphate and Vitamin D Tablets. Misbranding, Section 502 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress How to Think and Attain Success" and certain statements on the display card, were false and misleading since they represented and suggested that the article would be effective in nourishing the brain. The article, either alone or in combination with other substances, would not be effective for such purpose.

Improved 'B' Complex Tablets. Misbranding, Section 502 (a), certain statements in the booklets entitled "Lecture Series on Health and Progress Better Eyes Without Glasses" and certain statements on the display card, were false and misleading since they represented and suggested that the article would be effective in the prevention or treatment of faulty vision, hay fever, and inflamed eyes. The article, either alone or in combination with other products, would not be effective for such purposes.

Malt-O-Soy. Misbranding, Section 502 (a), the following label statements were misleading since they suggested and implied that the article would supply factors that would be effective in the treatment and prevention of the conditions named, whereas the article would not be effective in the treatment and prevention of those conditions, nor would it otherwise fulfill the promises of benefit suggested or implied: "* * * hypoallergic and serves as * * * protein diet in the cases of allergic people. * * * It is a definitely alkalinizing food and of great value in treating arthritis or dieting acid or ulcer states, and serves as an ideal non-residue diet of high nutrition value in intestinal disorders particularly amoebic dysentery, sprue and colitis. * * * of known therapeutic value in intestinal disturbances * * * the richest source and unquestionably the highest type of protein known. * * * Malt-O-Soy Supplies every purpose of animal milk for the growing child, for the adult, and the pregnant or nursing mother."

The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 18, 1945. No claimant having appeared, judgment of condemnation was entered and the products, including the printed matter, were ordered destroyed.

2093. Misbranding of Yogurt Culture. U. S. v. 18 Packages of Rosell Institute's Original Yogurt Culture, and a number of circulars and leaflets. Default decree of condemnation and destruction. (F. D. C. No. 18694. Sample No. 36947-H.)

LIBEL FILED: January 3, 1946, Western District of Washington.

ALLEGED SHIPMENT: By the International Yogurt Co., from Beverly Hills, Calif. The product was shipped on or about November 3, 1945, and the circulars were enclosed in the shipping cases with the product. The leaflets were shipped separately during the month of October 1944, subsequent to the shipment of the product.

PRODUCT: 18 packages of *Rosell Institute's Original Yogurt Culture*, 200 circulars entitled "Yogurt Culture A Health Aid," and about 500 leaflets entitled "Keep Young With Rosell Institute Yogurt Culture," at Seattle, Wash. Examination of the product showed that it was a culture of viable lactobacilli, as represented in the labeling.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars and leaflets which accompanied the article were false and misleading since they represented and suggested that milk cultured with the article would enable the consumer to enjoy better than average health, to retain beauty for a long time, and to keep the spirit of youth for many years; that it would greatly aid health and vitality, prolong life, prevent dysfunction of the vital organs, particularly the gastro-intestinal tract, prevent premature old age, and fight unfriendly microbes; and that it constituted an adequate treatment for chronic constipation, colitis, ulcers, and allied intestinal conditions. The article would not be effective for such purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2094. Misbranding of Yogourt Culture. U. S. v. 21 Bottles of Yogourt Culture, and a number of window streamers and leaflets. Default decree of condemnation and destruction. (F. D. C. No. 19021. Sample No. 14614–H.)

LIBEL FILED: February 8, 1946, Eastern District of Michigan.

ALLEGED SHIPMENT: By the Gaymont Laboratories, from Chicago, Ill. The product was shipped on or about January 5, 1946, and the window streamers were enclosed in the shipping cartons. The leaflets were delivered to the consignee by a representative of the shipper on or about March 1, 1945.

PRODUCT: 21 bottles of *Yogourt Culture* and a number of window streamers entitled "The Original Dr. Gaymont's Yogourt Culture Now Prepare Yogourt—The Amazing Milk Health-Food at Home" and a number of leaflets entitled "Science Says . . . Live Longer," at Detroit, Mich. Examination of a sample of the product showed that it had the composition indicated on the label.

LABEL, IN PART: "The Original Dr. Gaymont's Yogourt Culture."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing on the window streamers and in the leaflets which accompanied the article were false and misleading since they represented and suggested that *Yogourt* prepared with the article would be effective to enable the user to live longer, to enjoy youth for extra years, to maintain the health of those who are healthy and restore health to those who are unhealthy, and to remedy intestinal disorders. The article would not be effective for such purposes.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 13, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2095. Misbranding of Miracle Bath, Miracle Milk Bath, Miracle Aid Lotion, and Miracle Cream. U. S. v. 41 Packages of Miracle Bath, 23 Bottles of Miracle Aid Lotion, and 33 Jars of Miracle Cream, and a quantity of accompanying printed matter (and 7 other seizure actions against other lots of the same products and printed matter). Default decrees of condemnation and destruction. (F. D. C. Nos. 18970, 18975, 18983 to 18985, incl., 19006, 19215, 19216. Sample Nos. 4907–H to 4911–H, incl., 12837–H to 12839–H, incl., 13795–H, 13796–H, 15922–H to 15935–H, incl., 52425–H, 52426–H, 52429–H, 52558–H to 52560–H, incl.)

LIBELS FILED: Between January 14 and February 25, 1946, Northern and Southern Districts of Ohio, Southern District of Indiana, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between July 9, 1945, and January 1946, by Miracle Laboratories, from Chicago, Ill.

PRODUCT: 351 packages of *Miracle Bath*, 126 packages of *Miracle Milk Bath*, 115 bottles of *Miracle Aid Lotion*, and 260 Jars of *Miracle Cream* at Columbus, Cincinnati, Cleveland, and Toledo, Ohio; Terre Haute and Indianapolis, Ind.; and Philadelphia, Pa. Quantities of printed matter accompanied the products at Columbus and Cleveland, Ohio, and a portion of the products at Indianapolis, Ind. The printed matter consisted of circulars entitled "At Last * * * A Simple and Sensible Plan to Control Your Figure," leaflets entitled "The Miracle Plan" and "Wrinkles and Double Chin Vanish," and display cards entitled "Miracle Aid Lotion," "Miracle Bath," "Miracle Milk Bath," and "Miracle Cream."

Examination disclosed that the *Miracle Bath* consisted essentially of epsom salt, sulfur, and soap; that the *Miracle Milk Bath* consisted essentially of epsom salt and skim milk powder; that the *Miracle Aid Lotion* consisted of water, with small proportions of soapy material, gum, and perfume; and that the *Miracle Cream* consisted of epsom salt, sodium sulfate, water, fatty acids, and methyl salicylate.

NATURE OF CHARGE: *Miracle Bath.* Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious in the reduction of weight and in the treatment of rheumatism and arthritis, whereas it would not be efficacious for such purposes.

Miracle Milk Bath. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious for reducing, whereas it would not be efficacious for such purposes.

Miracle Aid for Wrinkles. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious to remove wrinkles and double chin, to feed the skin tissues, to pep up sluggish circulation, and to activate important glands, whereas it would not be efficacious for such purposes.

Miracle Cream. Misbranding, Section 502 (a), certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious to bring about a reduction in weight, to recapture a lost waist line, to flatten a pouchy abdomen, to streamline the hips, to reduce a double chin and other parts of the body, to correct the individual imperfections of the feminine figure, and to aid ugly, fatty, and superfluous tissues to disappear. The article would not be efficacious for such purposes.

DISPOSITION: Between March 8 and May 27, 1946, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2096. Misbranding of Miracle Bath, Miracle Milk Bath, Miracle Aid Lotion, and Miracle Cream. U. S. v. 10 Packages of Miracle Milk Bath, 23 Jars of Miracle Cream, 23 Packages of Miracle Bath, and 9 Bottles of Miracle Aid Lotion, and a quantity of accompanying printed matter (and 7 other seizure actions against other lots of the same products and printed matter). Default decrees of condemnation and destruction. (F. D. C. Nos. 19254, 19353, 19497, 19498, 19577, 19578, 19603, 19604. Sample Nos. 7372–H, 14493–H, 19316–H, 51060–H, 51061–H, 52525–H to 52529–H, incl., 52707–H, 52709–H, 53102–H.)

LIBELS FILED: Between March 1 and April 11, 1946, Northern and Southern Districts of Ohio, District of New Jersey, Southern District of Iowa, and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of January 28 and March 18, 1946, by Marval Laboratories, Inc., from Chicago, Ill.

PRODUCT: 125 Packages of *Miracle Milk Bath*, 116 packages of *Miracle Cream*, 9 bottles of *Miracle Aid Lotion*, and 95 packages of *Miracle Bath* at Cincinnati, Columbus, Cleveland, and Akron, Ohio; Newark, N. J.; Des Moines, Iowa; and Minneapolis, Minn. Quantities of printed matter accompanied the products to Cincinnati, Ohio, and Des Moines, Iowa. The printed matter consisted of circulars entitled "The Miracle Plan," leaflets entitled "To Help You Reduce," and display cards entitled "Miracle Cream," "Miracle Bath," "Miracle Milk Bath," and "Miracle Aid Lotion."

Examination disclosed that the *Miracle Bath* consisted essentially of epsom salt, sulfur, and soap; that the *Miracle Milk Bath* consisted essentially of epsom salt and skim milk powder; that the *Miracle Aid Lotion* consisted of water, with small proportions of soapy material, gum, and perfume; and that the *Miracle Cream* consisted of epsom salt, sodium sulfate, water, fatty acids, and methyl salicylate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading since they represented and suggested that the *Miracle Milk Bath* and *Miracle Cream* would be efficacious to bring about a reduction in weight; that the *Miracle Bath* would be efficacious in the reduction of weight and in the treatment of rheumatism and arthritis; and that the *Miracle Aid Lotion* would be efficacious to remove wrinkles. The articles would not be efficacious for such purposes.

DISPOSITION: Between May 2 and June 27, 1946, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2097. Misbranding of adhesive tape and adhesive bandages. U. S. v. 130 Packages of Adhesive Tape and 10 Packages of Adhesive Bandages. Default decree of condemnation and destruction. (F. D. C. No. 17546. Sample Nos. 23521–H to 23524–H, incl.)

LIBEL FILED: February 26, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 18 and August 24, 1945, by the Gotham Aseptic Laboratory Co., Inc., from Long Island City, N. Y.

PRODUCT: 130 packages of *adhesive tape* and 10 packages of *adhesive bandages* at St. Louis, Mo. Examination showed that the articles were only slightly sticky when applied to the skin.

LABEL, IN PART: "Gotham Waterproof Adhesive Tape," or "Gotham Stickrite Adhesive Bandages Waterproof Sulfa-Thia-Zole Impregnated Gauze Pads."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Adhesive Tape" and "Adhesive Bandages" were false and misleading as applied to articles which possessed no significant adhesive properties.

DISPOSITION: April 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2098. Misbranding of Spectro-Chrome. U. S. v. 1 Device Known as Spectro-Chrome, and a quantity of printed matter. Tried to the jury. Decree of condemnation. Product and printed matter ordered delivered to the Food and Drug Administration. (F. D. C. No. 13226. Sample No. 82254–F.)

LIBEL FILED: August 11, 1944, Eastern District of New York; amended libel filed November 15, 1944.

ALLEGED SHIPMENT: On or about July 21, 1944, from Malaga, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 1 device known as *Spectro-Chrome* at Babylon, N. Y., together with a quantity of accompanying printed matter. Examination showed that the device consisted of a cabinet equipped with an electrically-operated fan, a 1,000-watt electric light bulb, a glass water container, two condensing lenses, and several glass slides of various colors. The cabinet had an opening in the front in which the glass slides could be inserted and through which the light from the bulb would emit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the device were false and misleading since they represented and suggested that the device was capable of measuring and restoring human radio-active and radioemanative equilibrium by attuned color waves, whereas there is no radio-active or radioemanative equilibrium in the human system, and the device was incapable of performing any function of measurement, and the use of color waves of any type would have no effect on human equilibrium.

Further misbranding, Section 502 (a), certain statements in the accompanying printed matter, including the printed matter entitled "Spectro-Chrome Home Guide," "Spectro-Chrome Way, 1944," and "Spectro-Chrome—In Every Home," were false and misleading since the statements represented and suggested that the device when used in accordance with the directions for use appearing in the printed matter would be effective in the treatment of the following diseases, conditions, and purposes, and that when so used the device would constitute a safe and appropriate treatment therefor: (diseases and conditions for which device was recommended) Disorders of the heart, lungs, skin, nutrition, mentality, and emotions; inflammation with pain, swelling, fever, or redness; disorders of blood, genitals, females, children, teeth, motor system, and sensory system; gonorrhea, syphilis, ulcers, chancres, smallpox, scarlet fever, diphtheria, whooping cough, chickenpox, measles, German measles, mumps, fallen womb, habitual tendency to miscarriage, burns of any degree, sunstroke, diabetes, sex frigidity, accident, dog bite, eye disorder, ear abscess, mastoiditis, constipation, colds, gastritis, nervousness, ophthalmitis, rectal abscess, high blood pressure, poor circulation, tuberculosis, piles, varicose veins, aphonia, headache, hay fever, dizziness, sleeplessness, rash, poison ivy, stomach ulcers, sciatica, tachycardia, nosebleeding, lung hemorrhage, leg ulcer, prostate disorder, kidney disorder, tonsillitis, pleurisy, appendicitis, gout, pneumonia, tumors, leaky heart, hiccoughs, arthritis, rheumatism, cataract, X-ray and

radium destruction, cancerous growths, certain types of blindness and deafness, and refractory carbuncles; (purposes for which device was recommended) liver energizer, hemoglobin builder, respiratory stimulant, parathyroid depressant, thyroid energizer, antispasmodic, galactagogue, antirachitic, emetic, stomachic, lung builder, motor stimulant, alimentary tract energizer, lymphatic activator, splenic depressant, digestant, cathartic, cholagogue, anthelmintic, nerve builder, cerebral stimulant, thymus activator, antacid, chronic alterative, antiscorbutic, laxative, expectorant, bone builder, pituitary stimulant, disinfectant, purificatory, antiseptic, germicide, bactericide, detergent, muscle and tissue builder, cerebral depressant, acute alterative, tonic, skin builder, antipruritic, febrifuge, counter irritant, anodyne, demulcent, vitality builder, parathyroid stimulant, thyroid depressant, respiratory depressant, astringent, sedative, pain reliever, hemostatic, inspissator, phagocyte builder, splenic stimulant, cardiac depressant, lymphatic depressant, leukocyte builder, venous stimulant, renal depressant, antimalarial, vasodilator, anaphrodisiac, narcotic, antipyretic, analgesic, suprarenal stimulant, cardiac energizer, diuretic, emotional equilibrator, auric builder, arteral stimulant, renal energizer, genital excitant, aphrodisiac, emmenagogue, vasoconstrictor, ecbolic, sex builder in subnormal and other diseases and conditions. The device when used in accordance with the directions, or when used in any manner whatsoever, was of no value in the treatment of any of the diseases and conditions mentioned, or for the purposes represented; and when so used, the device may delay appropriate treatment of serious diseases, resulting in serious or permanent injury to the user.

DISPOSITION: Dinshah P. Ghadiali, claimant, having filed an answer denying that the labeling was misleading, the case came on for trial before a jury on May 14, 1945. At the conclusion of the trial on June 26, 1945, the jury returned a verdict in favor of the Government; and on July 9, 1945, a decree was entered condemning the device and enjoining the claimant from introducing into interstate commerce any device labeled similarly to the condemned device.

A notice of appeal to the United States Circuit Court of Appeals for the Second Circuit was subsequently filed by the claimant. The claimant failed to perfect his appeal, and on January 3, 1946, the appeal was dismissed.

On February 5, 1946, an order was entered directing that the device and accompanying printed matter be delivered to a representative of the Food and Drug Administration.

2099. Misbranding of Spectro-Chrome. U. S. v. 1 Device Known as Spectro-Chrome (and 44 other seizure actions against Spectro-Chrome). Decrees of condemnation. Product ordered destroyed or delivered to the Food and Drug Administration. (F. D. C. Nos. 16818, 16819, 16831, 16832, 16834, 16835, 16837, 16839 to 16842, incl., 16874 to 16878, incl., 16880, 16899, 16908, 16912 to 16914, incl., 16916, 16919, 16931 to 16935, incl., 16958, 17000, 17019, 17062, 17176, 17269, 17273 to 17275, incl., 17278, 17416, 17719, 17720, 18883, 18889, 20565. Sample Nos. 50989–F, 76869–F, 76873–F, 77987–F, 77993–F, 77994–F, 3913–H, 3915–H, 3916–H, 4095–H, 4097–H, 4130–H, 4150–H to 4154–H, incl., 4156–H, 4158–H, 4159–H, 4164–H, 4172–H, 4179–H to 4182–H, incl., 4192–H, 4270–H, 4846–H, 4849–H, 4850–H, 4912–H, 5934–H, 6168–H, 6169–H, 6501–H, 6509–H, 9925–H, 13739–H, 13746–H, 13760–H, 13860–H, 22588–H, 31181–H, 43792–H.)

LIBELS FILED: Between July 19, 1945, and July 30, 1946, Eastern District of Missouri, Northern District of Illinois, Eastern District of Pennsylvania, Northern District of Ohio, Eastern and Southern Districts of New York, Southern District of Indiana, Northern District of West Virginia, District of Arizona, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of November 1943, and January 15, 1946, from Newfield and Malaga, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 45 *Spectro-Chrome* devices at Affton and St. Louis, Mo.; Chicago, Ill.; Allentown, Bath, Bethlehem, Coplay, Emmaus, Laurys Station, Nazareth, Philadelphia, Schnecksville, and West Catasauqua, Pa.; Cleveland, Lima, and Mentor, Ohio; Bronx, Brooklyn, Inwood, Liberty, and New York, N. Y.; Indianapolis, Ind.; Wheeling, W. Va.; Tucson, Ariz.; and Los Angeles, Calif. The product at Tucson had been originally shipped from New Jersey to West Bend, Wis., and from there it was transported to Arizona.

The construction and appearance of each device was essentially the same, and it was misbranded in essentially the same respect, as the device involved in the preceding notice of judgment, No. 2098.

Most of the devices were accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Favorscope for 1944 [or "1945"]," "Rational Food of Man," "Key to Radiant Health," "Request for Enrollment as Benefit Student," "Auxiliary Benefit Notice—Make Your Own Independent Income as Our Introducer," "Spectro-Chrome General Advice Chart for the Service of Mankind—Free Guidance Request," "Certificate of Benefit Studentship," "Spectro-Chrome—December 1941—Scarlet," "Spectro-Chrome—June [or "August," or "September"] 1944," "Spectro-Chrome—February 1945," "Spectro-Chrome in Every Home," "Here Is the Work that Shattered All False Conceptions in Healing" "Spectro-Chrome—March 1945—Yellow," "Appeal to Boys & Girls," "Constitution and By-laws," "Planet Meeting Places," "Triumph of Spectro-Chrome," "Spectro-Chrome Vol 19, Nos 11 & 12," and "Vol 20, Nos 1, 2, 3, 4," "Free Guidance Information Letter," "Family Health Protector," "Spectro Chrome Metry Encyclopedia 3 Volumes."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the devices bore false and misleading curative and therapeutic claims in substantially the same respect as the device involved in the preceding notice of judgment, No. 2098.

DISPOSITION: Between August 10, 1945, and October 22, 1946, no claimant having appeared, judgments of condemnation were entered. A number of the devices were ordered destroyed, and the remainder were ordered delivered to the Food and Drug Administration for use in experimental and clinical investigations and for use in other court cases which were pending or which might be filed in the future.

2100. Misbranding of Thermo-Magno-Ray Thermapax Health Applicator. U. S. v. 1 Thermo-Magno-Ray Thermapax Health Applicator. Default decree of condemnation. Product ordered delivered to the Food and Drug Administration. (F. D. C. No. 19731. Sample No. 21996–H.)

LIBEL FILED: On or about May 9, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: From Fort Wayne, Ind., by the Thermapax Industries. The product was shipped on or about March 12, 1946, and a circular relating to the product was shipped prior to that date.

PRODUCT: 1 *Thermo-Magno-Ray Thermapax Health Applicator* at Murray, Ky., together with a circular entitled "Magnetic Rays A Powerful Factor in Restoring and Preserving Health." The product was a cap-shaped metal shell, containing insulated wire. When connected to a source of electric current, it produced heat and was surrounded by a magnetic field.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Health Applicator" was false and misleading since the product would not maintain the health of the healthy or restore the health of the unhealthy.

Further misbranding, Section 502 (a), certain statements in the circular were false and misleading since they represented and suggested that the product would be effective for restoring and preserving health, producing health-giving rays in the treatment of disease, preventing and relieving human ills, accomplishing brilliant results in the treatment of disease, and overcoming disease by correcting electrical deficiency in the blood; that it would overcome auto-intoxication, the myriad manifestations of toxemia, most chronic ailments, and many acute conditions; that it would keep the white cells active in fighting disease organisms in the blood stream; that it would energize the body tissue by increasing the activity of the cells; that it would normalize metabolism processes and increase energy, life, and "pep"; that it would induce activity to the circulatory system; that it would stimulate natural vital processes; that it would promote the elimination of waste; that it would strike at the underlying cause of disease; that it would set antitoxic and eliminative forces and organs to work and enable them better to perform their functions; that it would cause all the life forces to work toward health; that it would provide renewed health and vigor; that it would increase the power of the body to rid itself of waste matter and poisons that clog the cells and blood stream more and more with advancing years; that it would correct faulty elimination of poisons resulting from abnormal activities of the organs, tissues, and cells of the body; that it would prevent the absorption of poisons from putrefactive changes in intestinal contents; that it would overcome the effects of poisons from infected teeth, tonsils, and sinuses, and the effects of toxemia from overeating, improper diet, overindulgence in cigarette smoking, worry, fear, coffee

drinking, and alcohol; that it would overcome infections, such as colds, influenza, pneumonia, etc.; that it would influence favorably the fundamental activities of the body, such as circulation, elimination, digestion, nutrition, and metabolism; that it would develop and maintain a state of exuberant health to keep one physically and mentally fit; that it would control chronic disease, asthma, arthritis, sinusitis, light and heavy colds, "strep" or sore throat, acute bronchitis, pleurisy, lumbago, acute pains and aches due to influenza, pain in the appendix area, enlarged or inflamed prostate, painful and difficult menstruation, streptococcus and staphylococcus infections, chronic sinus conditions, pains in the area of the sinuses and shoulders due to infected teeth, digestive distress caused from gas, high blood pressure, tic douloureux trifacial neuralgia, impotence in men, ovarian distress, bleeding external hemorrhoids, and diabetes. The product would not be effective for those purposes.

DISPOSITION: December 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 2051 TO 2100

PRODUCTS

[1] (2053, 2086) Prosecution contested.
[2] (2052) Permanent injunction issued.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] (2053, 2086) Prosecution contested.

[1] (2053, 2086) Prosecution contested.
[2] (2052) Permanent injunction issued.

U. S. GOVERNMENT PRINTING OFFICE: 1947